



REPORT  
OF  
THE COMMISSION OF ENQUIRY  
ORISSA  
STUDENTS' AGITATION

IN 1964

VOLUME II

नवमं नयने

*Submitted by the Commission to the Government  
of Orissa on September 29, 1966*

GOVERNMENT OF ORISSA  
HOME DEPARTMENT

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**PART V**  
**ROLE OF ALL CONCERNED**



## CHAPTER XXI

### THE ROLE OF THE PRESS

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### INTRODUCTION

“Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate for a moment to prefer the latter.”

—Thomas Jefferson, 1787—

The second item of reference includes the question : What was the role of the press in the students' agitation during the period commencing from September 26 and ending with November 24, 1964 ? This relates to the publications in the five daily newspapers of Orissa, namely the Samaj, the Prajatantra, the Eastern Times, the Matrubbhumi and the Kalinga.

2. It is said that out of these five existing daily newspapers of Orissa, four—the Samaj, the Prajatantra, the Eastern Times and the Kalinga—are controlled by persons having direct and active interest in the political affairs of the Congress party of Orissa. The Matrubbhumi is said to be published under individual proprietorship without affiliation to any political party or to any sect or to any political or economical ideology. The Prajatantra and the Eastern Times are published by the Prajatantra Prachar Samiti of which



Dr. Harekrushna Mahtab, a builder of modern Orissa, is the life-time Chairman. The Samaj is published by the Servants of People Society with Mr. Radhanath Rath, an outstanding political leader, as the Editor of the paper. The Samaj has the largest circulation and is held in high esteem as it was founded by the late Pandit Gopabandhu Das. It is said that the publications in the Samaj have greater weight. The Kalinga is published by Kalinga Publications of which Mr. Biju Patnaik, an equally outstanding political leader belonging to the younger generation, is the Chairman.

3. As regards the respective popularity of these different newspapers it is said that the Samaj, the Eastern Times and the Prajatantra, all taken together, cover approximately two-thirds of the total circulation of the daily newspapers published in Orissa. This is relevant for the purpose of assessing the extent of the impact of their publications during the students' agitation. The Matrubbhumi and the Kalinga claim almost equal extent of circulation in the State. The Kalinga is believed to be a publication by the persons now in power in the State; its impact on the people is restricted to the extent of its popularity.

#### **A. Administration's charge against the Press :**

4. The allegations against the press are somewhat of a general nature as appears from the affidavits of the State officials including the Director of Public Relations and Tourism, the RDCs, DIGs, DPI, the Principals, the Professors and other educationists. The charge against the press in substance was this: In their publications, the press exhibited a tendency of inciting and inflaming the passions of the students at the time when the students were already under great emotional tension; except for the inflammatory publications in the newspapers, students' disquietude could not have assumed the magnitude to the extent it did.

5. The case of the administration in general is that during the first phase of the movement the press was publishing news objectively; the news were sober, tempered and the stories of alleged police excess were published with restraint; subsequently, however, the attitude of the press is stated to have changed; it is said that the Samaj, the Prajatantra and the Eastern Times started giving exaggerated

and false reports of alleged police excess prominently in banner head lines; significantly the acts of rowdyism, vandalism and unruly behaviour on the part of the students were never condemned by the press; on the other hand the administration was blamed for taking drastic action to tackle the situation. The further allegation was that there were inciting editorials in the local press to encourage the students to carry on the agitation; photographs and other explosive news were published to continue the agitation. The press did not use its influence to persuade the students not to waste their valuable time in agitation at the cost of their studies, nor did the press make an appeal to the parents, guardians and the public to advise the students to go back to their classes.

6. In this context, the specific insinuations against the press as made by the educational authorities, the administrators, are briefly indicated hereunder for assessment of the actual role of the press during the agitation.

7. *Educational authorities* : It is significant to note the various reactions to the publications in the press in the heart of Cuttack where the movement started. The State's DPI Dr. Sadasib Misra, the present Vice Chancellor of the Utkal University regretted that instead of quietening the agitation by offering sound advice to the students, the newspapers lent support to the continuance of the movement; the journalists should have played a better role in preventing deterioration of the unrest and in assisting restoration of normal conditions. *नियंत्रण नयन*

8. The Principal of Ravenshaw College Dr. Banshidhar Samantarai complained that the reports regarding the educational institutions were being published without verifying them from the head of the institution; some of the writings of different parties and individuals gave strength to the students' agitation.

9. Mr. Baidyanath Rath, Principal of the Radhanath Training College, Cuttack in his affidavit also said that in a conflict of this nature where the student organisation was pitted against the administrative machinery of the Government, whose sole responsibility was to restore law and order, it was but natural that greater sympathy of the press rather flowed towards the students; this specially happened when the alleged police excesses were widely published in the press.

10. It is not that the educational authorities did not express resentment at the manner in which the news were being published; in fact, the Principal of the Saila Bala Women's College, Cuttack Miss Premalata Behera expressed that the local dailies, the Prajatantra, the Samaj and the Eastern Times published inflammatory, exaggerated and sometimes objectionable news and views on the students' agitation; both the Samaj and the Prajatantra published false news items regarding the hostel incidents of her college vis-a-vis the authorities.

11. Apart from the Principal, four Professors of Ravenshaw College which was the centre of the movement expressed strongly about the role of the press during the movement. The impression of Dr. M. K. Rout as stated in his affidavit was that certain sections of the press published news items, views and reported speeches which had a strong tendency to encourage the students in their agitation; even abstention from classes and other activities which necessitated police measures were not deprecated and condemned by the press; he further said that it is unfortunate that certain sections of the press encouraged the students in their agitational approach, strikes and abstention from the classes, a feature of trade unionism. Dr. Kunja Behari Tripathi, Professor and Head of Department of Oriya and Sanskrit, Ravenshaw College said that the local newspapers which are the mouth-pieces of different political parties or of fractions within the same political parties who are in opposition to the party in power, appeared to encourage the students to break discipline and thereby put to awkward position the party in power which runs the Government. Substantially similar views were also expressed by Dr. Gadadhar Misra, Professor and Head of Department of Botany. Then Dr. Ramanath Mohanty, Professor and Head of Department of Mathematics of Ravenshaw College, also said that the newspapers should be more restrained and while faithfully reporting events, they should not give publicity to news items disproportionate to their importance.

12. At Bhubaneswar, another trouble spot during the movement, the same feelings were also expressed by the Principal of B. J. B. College Mr. R. C. Rajguru that the police excesses, true or false, were widely and prominently published which necessarily influenced the emotional minds of the students; newspapers should have exercised restraint; editorials appealing to the students to go back to their classes and colleges were conspicuously absent.

13. At Sambalpur, where there were also incidents during the movement, Principal of Gangadhar Meher College Mr. Brajabandhu Misra, while blaming the continuation of the students' disquietude, expressed the view that the students' disquietude in the State during September-November, 1964 continued in its fury over a longer period than it should have, due to the elaborate reports which were published day to day in the local newspapers; his general feeling as a reader of the local Oriya newspapers was that the press could have exercised self-restraint and discrimination in serving the news by withholding elaborate details which were likely to incite ill feelings.

14. Mr. Brajabandhu Mohapatra, Principal, Burla Engineering College said with regret that the local press in the State had not played their role with dignity and objectivity; reports in regard to the students' agitation were being given undue prominence which excited the students furthermore; in fact in some newspapers photos of students killed in police firing were exhibited which could have been avoided; in dealing with the young student communities, who were the future assets of the country, the press ought to use more discretion at such times of crisis.

15. *Administrators* : While criticising the press Mr. Sashibhusan Misra, Director of Public Relations said that judged in the light of the code of conduct, ethics and principles of propriety, the nature of publications of incidents, photographs, statements, other items and comments relating to students' disquietude had further influenced the students who were already otherwise agitated; the sum total of the publications in the Samaj, the Prajatantra and the Eastern Times had its effect of keeping up the tempo of this agitation; he also regretted the imbalance shown in the reports of certain sections of the press about the proceedings of the Orissa Legislative Assembly where numerous points regarding students' unrest were being raised and were being replied to by the Government. The press published numerous photographs depicting events of students' unrest; these photographs did not include anything about the inconvenience caused to the public or the loss sustained by individuals; they showed very great imbalance in their pictorial representation of facts; it is said that when the Union Home Minister visited Orissa in November 1964 in connection with the students' unrest, grossly misleading stories were published in the Prajatantra and in the Samaj which had materials to further agitate the minds of the

students and the public ; in fact there were some issues of the newspapers during the period of students' unrest which hardly published any news or comments other than those on students' agitation.

16. The Divisional Commissioners in charge of their respective divisions during the unrest also noted the effect of the publications in the newspapers on the students' mind. The gist of their reactions to what appeared in the newspapers from day to day as stated in their respective affidavits is this : According to them, the students' agitation would not have continued for the length of time it continued but for the support it got from, among others, certain sections of the local press. The authorities responsible for maintenance of law and order, the principals and teachers of the colleges could have effectively tackled the situation, if it had not been otherwise encouraged. Persistently, views were being published in the papers supporting the agitational programme of the students ; students who were abstaining from classes and engaged themselves in infringement of law on a mass scale were represented as heroes and martyrs. As Mr. K. C. Roy, Revenue Divisional Commissioner, Southern Division said in his affidavit, certain sections of the press did not act with restraint and objectivity called for during the disturbances particularly when the student community of the State was in a highly emotional and excited frame of mind. Too much prominence, by way of bold headlines, to the detailed news items and too many news items relating to the students' movement all over the State contributed to inflame the mind of the students and keep up the tempo of the students' disquietude ; if the press had acted with sufficient care and restraint thereby allowing the students to agitate on their own, the situation would not have deteriorated to such an extent as led to the extensive acts of lawlessness and ultimate resort to the use of force by the police ; it is said that allegations of police excess on students were widely and prominently publicised in different local newspapers ; naturally students all over became emotional and got into a receptive state of mind for external influences to operate.

17. More specific allegations were made by the three Range DIGs by reference to publications in the particular newspapers by reason of which, according to them, the agitation took violent turn ; it was alleged that the Samaj and the Prajatantra played up the emotions of the students ; there was practically no attempt on the part of the press to condemn the

students' lawlessness. The Eastern Times, the Prajatantra and the Samaj are said to have played an important role in inciting the students during the period from September 26 to November 24, 1964 by publication of distorted news pertaining to the agitation and individual incidents ; eulogising and high lighting the actions of the students by publishing photos of students with garlands and injured persons, who were alleged to have been wounded in police action. The DIG, Central Range Mr. G. Das said that in the first phase of the agitation when the movement had not spread to different parts of the State, the press published a few incidents which took place in the districts of Cuttack and Puri with bold head lines and giving undue emphasis on unimportant incidents ; the publication of these news in the local newspapers which have circulation throughout the State naturally influenced the student community who made it a common cause for the agitation ; if the publication would have been a little more restrained then the minds of the students might have changed.

18. Apart from these three senior police officials—the DIGs—the SP of Special Branch, Cuttack also noted that local newspapers particularly the Prajatantra and the Samaj promptly published exaggerated and sometimes distorted accounts of the incidents , actions taken by the police , inciting statements given by different political leaders and the critics of the Government ; wrote editorial comments which, in various ways, encouraged the students to continue the agitation ; such publications created public sympathy in favour of the students' cause as against the Government and the police.

19. In this context, the views of the District Magistrates of Cuttack, Puri (covering Bhubaneswar) and Ganjam about the role of the press and its effect on the students in their respective areas covering the worst trouble spots during the agitation are material. The reactions of these district officials who had directly to deal with the law and order situation in their respective areas during the disturbances, as expressed in their affidavits, are these : the daily papers—the Prajatantra, the Eastern Times and the Samaj—were filled almost completely with news regarding the students' agitation throughout the State and the trend was to flash the news in such a way that the student masses would be encouraged to continue their agitation ; during this period, these papers gave very little importance to other news ; if the students were left to themselves, the situation would not have perhaps aggravated to the extent it did ; the tempo of the movement would not

also have been kept up for such a length of time ; acts of violence and sabotage might not have been resorted to ; juvenile emotion or enthusiasm has its own limits and would have exhausted itself in time.

20. In this context, Mr. D. P. Das, District Magistrate, Puri put it more pointedly when he stated that some local newspapers represented the students as engaged in a noble cause when they were breaking law on a mass scale, indulging in dangerous acts of violence, brickbattering at the police and the magistracy, attacking police stations, attempting to disrupt normal life of the community, attempting to bring the functioning of the administration to a standstill, indulging in slogans of low taste against individual ministers, ugly and indecent demonstrations ; the students engaged in all these were depicted as heroes and martyrs.

21. *Alleged breach of code of conduct : accepted code of conduct, ethics and principles : manner in which certain section of the press published news, views, photographs during the agitation : effect of such publications :* The point of view from which the Orissa administration commented on the manner of publications of the press during the students' agitation is based on certain conventions accepted to be followed by the press which is called the code of conduct or ethics. Assessment of the role of the press in relation to matters of public interest, therefore, cannot be fair, if it is not done in the context of what has been the accepted code of ethics and what has been suggested to be the general code of conduct and ethics by eminent and competent persons or authorities.

22. The role of the press in the context of matters of public importance cannot be assessed in the same manner as it should be in the case of the role of an ordinary citizen or organisation. The press in a democratic society, particularly of a parliamentary type, has, as a matter of age-old tradition, acquired and enjoyed the position of the "Fourth Estate". In constitutional law of the United Kingdom an estate is an order or class having a definite share as such in the body politic, and participating either directly or through representative in the Government. The responsibility of the press is very much greater than that of an ordinary citizen and is vitally linked with the destiny of the State and the society. One of the greatest generals of the time therefore said that—

"Four hostile newspapers were more to be feared than a thousand bayonets."

23. The Press Commission while discussing "Bias in news presentation" under the chapter "Bias and external pressure" expressed the view that another important factor which affects the presentation of news and views in a fair manner in the newspapers is the existence of bias in one or more of the persons associated with its production, such bias is generally political or economic but can also extend into other aspects. The Press Commission gave instances of how bias can work both in newspapers and news agencies ; bias can be said to work by omitting news or portions of news, allotting a particular position and space to the news in the body of the paper, selecting headlines, giving display and definite slants to the headlines and in drafting.

24. In its report the Press Commission has discussed the question of functioning of the free press in a free and democratic society and the obligation of the press to the community. While recommending a statutory Press Council for maintaining editorial independence, objectivity in news presentation and fairness of comments in order that the press is protected from external pressure and the development of the press is fostered, the Commission said that the regulation of the press in the matter of such objectionable writings as is not legally punishable should be the responsibility of the Press Council.

25. Against this background the Press Commission laid down certain principles which, it recommended, should be kept in mind in formulating the code of conduct. One of these principles is that journalists shall observe restraint in reports and comments which are likely to aggravate tension and likely to lead to violence. The code of ethics prescribed by the Indian Federation of Working Journalists in its Articles of Association included, *inter alia*, provision that no working journalist shall falsify information or documents, or distort or misrepresent facts. Similarly the National Integration Council set up in 1961 circulated a set of code of conduct for observance by the press ; among other things it was suggested by the Council that the press shall condemn unreservedly incitement to violence or any advocacy of violence as a means of settling conflicts ; with-hold publication of unverified news which would tend to create discord, and refrain from giving prominent display to such news ; contradict or rectify all inaccurate reports or comment relating to such news.

26. In this context, the pertinent question is : What are the things which are considered objectionable ? Mr. C. Rajgopalachari as Union Home Minister answered this question



in his address in the Parliament when piloting and replying to the debate on the Press (Incitement to Crime) Bill later entitled Press (Objectionable Matters) Act, 1951, indicated the principles by which the fairness of the actions of the press and of the Government in relation to the press, in a matter of public importance, should be assessed.

27. The objectionable matters are whatever encourages or tends to encourage violence or sabotage for the purpose of overthrowing or undermining the Government ; deals with incitement or encouragement to any person to commit murder, sabotage or any offence involving violence without reference to the overthrowing of the Government; deals, apart from violence, with interference with the administration of justice or with the maintenance of law and order or with the administration of laws regarding the essential supply of commodities and services. There are other such conduct on the part of the press which are against public interest.

28. Thus, the State has to deal with the press as it has to deal with the cinema or any modern development with powerful influence ; the State cannot treat the atom bomb in the same manner as knife or a lathi ; different laws are required for the different quality of the weapon and the instrument and the material with which the State has to deal. The press has two functions ; it has to voice public opinion and reflect public opinion. The press has to lead, it has not simply to be a mirror for reflecting public opinion ; it has to be a teacher of the public and educate them ; no doubt the press is voicing public opinion, getting information and spreading it, giving their opinions in leading columns and spreading it. But the question is : Do they really educate ? In certain matters they educate but for the moral uplift of the country the press has more to do. In the present context, that is the function of the press.

29. It is in the light of these ideals which the press is expected to follow that the publications by the newspapers during the last students' agitation are to be assessed and judged. The Director of Public Relations submitted copies of the following newspapers published and circulated in Orissa. It is said that in these publications are materials for assessment of fairness in reporting of news, display and slants given to the news and their headlines, comments of the newspapers, publication of pictures, comparative importance or

priority or prominence given to the Government statements and statements coming from the political parties, organisations and individuals relating to the students' agitation.

- (1) All issues of "The Samaj" for the months of September, October and November, 1964 (except the issue dated 19-9-1964 which was not available).
- (2) All issues of "The Prajatantra" for the months of September, October and November, 1964.
- (3) All issues of "The Eastern Times" for the months of September, October and November, 1964.
- (4) All issues of "The Matrubhumi" for the months of September, October and November, 1964.
- (5) All issues of "The Kalinga" for the months of September, October and November, 1964 (except of 14-10-1964 which was not available).

30. The Press Notes or Press handouts or statements of official spokesman were all issued from the office of the Director of Public Relations ; the prominence, space, headlines given in the newspapers to these statements of facts and the manner in which some of them were commented upon by the press in comparison with the prominence, space, headlines given to the utterances and statements of the different parties, individuals and agitators are relevant for assessing the role of the press or of a particular newspaper in the students' agitation.

31. Judged in the light of the code of conduct, ethics and principles of propriety stated above, the nature of the publication of news about the incidents, photographs, statements, other items and comments relating to the students' disquietude are said to have further influenced the students who were already otherwise agitated ; it also influenced the public.

32. The case of the administration, as stated in the affidavit of the Director of Public Relations Mr. Sashibhusan Misra, is that the sum total of the publications in the Samaj, the Prajatantra and the Eastern Times had the effect of keeping up the tempo of the students' agitation ; in

support of this, the Director of Public Relations noted the following points for proper assessment of the role of the press:

- (a) There were two major events reported and/or commented upon in the press immediately before that phase of the students' unrest which started from September 26 ; a close study of these reports and comments published in the papers reveals that a section of the press not only did not point out the mistakes of the students in unequivocal terms as was done by most of the leading daily newspapers of India, but on the other hand, displayed a tendency of condoning the students' action and blaming the Government for the incident at the Orissa Legislative Assembly on September 2. The second major event was the manner in which this particular section of the press reported in its issues of September 27, an incident which developed on account of SSP-led procession of an agitated mass to the then Chief Minister Mr. Biren Mitra's residence at Cuttack. It is said that in some reports of this event published by this section of the press, certain amount of glorification of mob frenzy was indicated. The issues of these papers dated September 27 were circulated in Cuttack City in the evening of September 26 ; in the same night the radio-shop incident occurred near the Ravenshaw College Chhak which developed into a long-drawn students' unrest.
- (b) The " Orissa Bandh" call to be observed on September 29 was given by the SSP which secured prominent publicity in this section of the press ; the "Bharat Bandh" agitation call was given for September 25. The beginning of the long-drawn students' unrest more or less coincided with the time prescribed for the "Bharat Bandh" and "Orissa Bandh" by the SSP.
- (c) A notice given by the SSP and other opposition leaders to observe a "Dozen Black Days" was prominently flashed in these papers ; the worst incidents of violence on account of the students' agitation were committed at a time which coincides with the time already suggested for observing the "Dozen Black Days".

- (d) Sometime before the "Orissa Bandh" call was given by the SSP, the party in Orissa started an advance action on similar lines at Puri, according to newspaper reports ; a Hartal call was given there by the SSP. Strong-arm method was first resorted to in Puri on August 28 in an attempt to get the SSP workers released by force from police custody near Puri Collectorate ; the police had to face waves of attack from the crowd on that day but with great patience they succeeded in dispersing the mob by pushing the crowd with lathis ; the SSP members in the Orissa Legislative Assembly alleged police excess in Puri, which received very prominent publicity in this section of the press.
- (e) By the time the students' unrest started in September, the Orissa Legislative Assembly was in session, numerous points were being raised in the House and were being replied to by the Government ; the statements relating to the students' unrest were also being made by the Government ; the Assembly is a most respected forum, the discussions and statements made there largely influence public opinion in a democracy. According to the study, by the Director of Public Relations, of the press reports on the proceedings of the Orissa Legislative Assembly in the context of the aforesaid code, ethics and principles, there was imbalance in this section of the press in giving relative prominence to the points of view of the SSP members and the Government.
- (f) The Government issued a Press Note on September 27 immediately after the incident of September 26 informing the press and the public how a growing tendency towards taking the law into one's own hands was developing in certain sections of the student population and a certain leadership developing among the students ; the Government requested the public through the Press Note to be firm in preventing such tendency ; the Government also appealed in the same Press Note to the public not to be misled by wild tales of misbehaviour of the official machinery when they take firm action to control hooliganism ; the Government also warned the students, who were misled into joining such hooliganism, not to indulge in such unlawful

activities and to pause and consider the consequences ; this Press Note was ridiculed by newspapers belonging to certain section of the press as an irresponsible one thereby minimising the impact of the call of the Government to the people as well as to the students to refrain from undemocratic, unlawful and violent methods.

- (g) A speech reportedly delivered at Cuttack by a citizen suggesting that the bayonets given by the Government to the NCC students to repel the Chinese aggression could be used against the Government, was published by this section of the press prominently ; neither such a statement was contradicted by the person to whom it was imputed nor was the statement denounced editorially by this section of the press.
- (h) This particular section of the press published numerous photographs, collected by its own initiative, depicting events of students' unrest ; these photographs did not include anything about the inconvenience caused to the public or the losses sustained by individuals and Government employees ; a set of seven photographs depicting the said consequences and losses on account of violence was supplied by the Home (Public Relations) Department to each of the papers of this section of the press along with many other papers ; the Prajatantra and the Eastern Times did not use these photographs ; the Samaj published only one. According to the study of the Director of Public Relations in the context of the aforesaid code, ethics and principles, there was great imbalance in the pictorial representation of facts.
- (i) When the Union Home Minister visited Orissa in November 1964 in connection with the students' unrest, grossly misleading stories were published from Bhubaneswar in the Samaj which had materials to further agitate the minds of the students and the public ; when the Union Home Minister himself contradicted the stories reported in the Samaj, the paper came out with the explanation that a correspondent of Cuttack was at Bhubaneswar on that day, who was also its own correspondent ; stories in question were supplied by him to

the paper from Bhubaneswar. The Director of Public Relations however states that it is a fact that the Samaj editor himself visited Bhubaneswar on that day and he met the Union Home Minister subsequently ; the paper has also a full-time experienced correspondent at Bhubaneswar; in spite of all these, the paper chose to publish the above stories in question, with Bhubaneswar date line, mentioning the source as its correspondent ; in the opinion of the Director of Public Relations as stated in his affidavit, this was against the accepted ethics and sense of responsibility; same day the paper published a statement by the so called correspondent to the effect that he had supplied the stories to the paper and he had written to the Union Home Minister not to connect the Samaj institution with that story.

- (j) There were some issues of the newspapers, belonging to this section of the press published during the period of students' unrest, which hardly carried any news or comments other than those on students, agitation; according to the code and principles referred to above, this shows gross imbalance in the matter of dissemination of information by responsible newspapers.
- (k) Some working journalists complained to their Trade Union organisation, the Utkal Journalists' Association of misbehaviour and obstruction by some students while they were engaged in their professional work of collection of news about students' agitation. In the particular section of the press, statements by a few other journalists belonging to the same section of the press were published indicating a rift among the journalists on the question of their Association's attitude towards the alleged misbehaviour by some students and also attributing motive to the Association's decision. This is said to be against the generally accepted ethics and principles of the Indian Federation of Working Journalists, prescribed for its members. According to the Director of Public Relations, this development was a source of moral support for the student agitators who had adopted undemocratic methods in dealing with some press representatives.

33. Apart from allegations of a general nature against the press as made in the several affidavits discussed above, in course of the argument on behalf of the administration, the particular manner in which the press gave publicity to the news and their views on the incidents at different places during the agitation was adversely commented upon in that the press did not observe the code of conduct and ethics which it should have done.

34. In fact, in course of cross-examination of some of the public and student witnesses, their attention was drawn to certain publications in different papers—the Samaj, the Prajatantra, the Eastern Times and the Matrubhumi—which were marked ‘S’ for the Samaj, ‘P’ for the Prajatantra, ‘M’ for the Matrubhumi, and ‘ET’ for the Eastern Times, all forming part of the records of the proceedings herein.

35. The suggestions, insinuations and allegations against the press made on behalf of the administration by reference particularly to the items of publications marked as aforesaid are in substance these :

- (a) the newspapers particularly the Samaj, the Prajatantra and the Eastern Times published highly exaggerated, distorted, twisted, tendentious and sometimes false reports about police action for maintenance of law and order;
- (b) there was persistent publication of unverified, false and inflammatory news items alleging inhuman and brutal police excess ;
- (c) there was deliberate incitement of students and public by persistent publications of statements by alleged eye-witnesses to police excesses even if they were incorrect ;
- (d) the publications were far from the truth; there were persistent publications of one-sided views; this had the effect of aggravating the situation ;
- (e) by persistent publication of views of the press, their editorials and otherwise, the press directly or indirectly incited and encouraged the agitational activities of the students ;
- (f) there were no appeals to the students nor views expressed exhorting them to attend classes, to engage themselves in academic pursuits leaving their

demands and grievances in the hands of their parents, guardians, teachers, public men, political parties and leaders to be taken up with the Government ;

- (g) persistent reporting, in bold headlines, slant and contents of news items had an inflammatory tendency ; the newspapers generally did not act with restraint and objectivity called for at such times of disturbance particularly when the student community of the State was in a highly excited state of mind; the press hardly published any disapproval or discouragement of illegal, unconstitutional acts and mass abstention from the academic pursuits;
- (h) the press published photographs of persons killed in police firing, student-mob trying to trespass into public offices like Cuttack Collectorate, students offering Satyagraha, hoisting black flag on the top of the office—all in violation of the prohibitory orders under Section 144 Criminal Procedure Code purporting to show as if heroes were fighting for a noble cause ;
- (i) the press by their publications appeared to have made out a case of students' movement as subtly mixed up with a demand for resignation of the ministry on charges of corruption; the press appeared to have given the students' movement the turn and appearance of a mass upsurge against the corrupt ministry; the news items containing charges of corruption against certain members of the ministry, and the alleged enquiry relating thereto, demand for their removal were being published side by side with the news items relating to students' disquietude and police excess; the tendency and contents of such publications were to encourage the students to keep up the tempo of the movement which would ultimately culminate in the removal of the ministry—a glory and achievement for the students.

36. The main target of criticism on behalf of the State was the Samaj, the Prajatantra and the Eastern Times; it was also commented that the students' movement was utilised by a particular section of the press to dethrone the then ministry; that the Samaj, the Prajatantra and the Eastern Times incited the students' movement.



**B. Press did not appear in the proceeding: notice under the Rules**

37. Although the press was strongly supported on behalf of both the public and the students in the proceeding, the press did not formally appear and deny the various allegations made against it on behalf of the administration. It was open to the press to appear in the proceeding and file affidavits after notification under rule 7 (1) (a) of the Orissa Commission of Enquiry Rules, 1963 was issued on February 15, 1965. By the said notification the Commission fixed the 27th February 1965 at 10-30 A. M. in the High Court building at Cuttack for issue of all necessary preliminary directions. In the said notification all the terms of reference including the role of the press were fully recited. It was also mentioned in the notification that anybody so appearing will be given an opportunity of being heard in the enquiry; that in default of appearance on the aforesaid date, the matter will be determined in his absence. Copies of the said notification were issued to, among others, the five local dailies namely, the Samaj, the Prajatantra, the Matrubhumi, the Kalinga and the Eastern Times and also three Calcutta dailies—The Hindustan Standard, the Amrit Bazar Patrika and the Statesman.

38. Thereafter by an order made on February 27, 1965, while giving preliminary directions, the Commission directed that a notification under rule 7 (1) (b) to be issued inviting all persons acquainted with the subject-matter of the inquiry to furnish to the Commission affidavits in the manner as directed in the said order. The said notification also contained all the terms of reference including the role of the press. In response to the same, numerous affidavits were filed on behalf of the public and the students. No affidavit was, however, filed on behalf of the press.

39. On May 17, 1965, a petition was filed, on behalf of the Orissa Citizens' Committee through their learned Advocate, that notice be issued to the President, All India Newspapers Editors' Conference, New Delhi and President, Working Journalists' Federation, New Delhi as prayed for therein. The said application was heard by the Commission on May 24, 1965. After hearing the parties the Commission ordered that as there was already a notification under rule 7 of the Orissa Commission of Enquiry Rules, 1963 it was open to anybody to appear and file an affidavit and that no further notice was necessary for any of the said persons to appear

in these proceedings. The reasoning on which the Commission came to the conclusion that no further notice was necessary was this :

- (a) The role of the press is itself a specific term of the reference. In the notification issued by the Commission, dated February 15, 1965, all the terms of the reference including the role of the press were published in all the local dailies;
- (b) In the said notification, dated February 15, 1965 it was *inter alia* stated :

“ Now, therefore, this notification is issued, by and under the order of the Commission fixing the 27th day of February 1965 at 10-30 A. M. in the High Court building at Cuttack for issue of all necessary preliminary directions. Any party, individual, association, organisation, office or department who is concerned directly or indirectly or interested in the matter shall appear either in person or through counsel on, the said date positively. Anybody so appearing will be given opportunity of being heard in the enquiry. In default of appearance on the aforesaid date, the matter will be determined in his absence.”

It was submitted that this notification by itself constituted notice to all concerned including the press to appear before the Commission of Inquiry. So the newspapers were noticed to appear if they so desired and were aware of the inquiry about the role of the press which necessarily involved inquiry into the role of individual newspapers of Orissa. Under this notification the papers were also intimated that—

“ anybody so appearing will be given an opportunity of being heard in the enquiry.”

The said notification dated February 15, 1965 was wide in term, content and scope. The notification used the phrase “party, individual, association .....who is concerned directly or indirectly or interested in the matter”. In view of the terms of the Reference, the newspapers were directly concerned. In the context of the publication of the notification in the news papers, the press including the said five local daily newspapers, were directly noticed. So there was no occasion, scope or necessity at any stage for giving any special notice to the press.

- (c) No newspaper entered appearance nor did any newspaper at any stage file any affidavit; no news-

paper also prayed for any opportunity of being heard in the enquiry or to produce evidence in their defence.

- (d) Rule 9 (a) of the Orissa Commission of Enquiry Rules is not at all contradicted in as much as enquiry into the role of the press cannot be construed as enquiry "into the conduct of any person". Rule 9 (b) of the said rules contemplates giving opportunity to a person whose reputation in the opinion of the Commission is likely to be affected prejudicially by the enquiry.
- (e) The term of Reference calls upon the Commission of Enquiry to enquire and to find out the role of the press in the Students' agitation or in other words the effect of the publications in newspapers on the students' disquietude. The role of any individual Editor, Printer or Publisher or any Proprietor is not included in the terms of Reference. In this view of the matter Rule 9 (b) is also not applicable.
- (f) If the phrase "reputation of any person likely to be prejudicially affected by the enquiry" in Rule 9 (b) is given a strictly literal construction, then the consequences will be these: it would include the constables, police SIs, Inspectors and every body else who took part in the use of force, teargas, lathi charge and firing—during the students' agitation; the rules will not be workable if such a strict view is taken; in such a case, certainly the personal conduct of the Editors of the papers is not likely to be prejudicially affected. In this context, the personal conduct of any particular Editor of any newspaper has not been questioned.

In this view of the matter no further notice to the newspapers was necessary.

### **C. Case of Students and the public**

40. The case of the students as stated by Mr. Promode Chandra Samantarai is that some local newspapers gave correct news of the incidents as they were happening, but some of them being actuated by partisan bias gave distorted news of the incidents. In evidence he said that the demands of the students were being expressed through the local newspapers the Prajatantra, the Samaj and the Matrubhumi; he said that it was the Kalinga which was giving most distorted news; he was aware that the Kalinga was being burnt at different places of Orissa during the period of students' agitation because some

persons felt that it was not giving correct news; he, however, said that the burning of the newspaper was not sanctioned by the Students' Council of Action.

41. Mr. Nishamani Khuntia in his affidavit stated that the ministry through their mouth-piece the 'Kalinga' went on propagating false news to such a great extent that people's mind was in a terrible distress and there was agitation due to the *malafide* activities of the said paper; the Government also sponsored false news against the students and public through other papers and news agencies; and that the people's mind in the State was so much exasperated that as a protest many people all over the State purchased the paper 'Kalinga' and began burning it.

42. It was argued on behalf of the students and the public that what the press published were objective reports of factual data of the movement from place to place, statements made by the individuals connected or unconnected with political parties; the press showed independence and general tendency in condemning the wrong and supporting the right; according to them there was general public disaffection against the Government long before the students' movement; the political background during the period was that there were grave allegations against the ministry; there was allegation of corruption against the persons then in office who were entrenching themselves in power by unscrupulous methods. It was said that the press condemned the Government for its callous negligence in not taking prompt action at the right time; after they were exposed to public criticism, Government was alleged to have taken a revengeful attitude.

43. The students' case is that the only picture the public got from the newspapers during the entire period was a correct portrayal of the popular upheaval against the ministry in general. It was submitted that there was no ban or restriction on publication except common law of libel, slander, contempt, obscenity and other such objectionable matters; no action was taken by the State against any of the newspapers for publication made therein either by individuals or by political parties; the Government have not published any rejoinder to any of the publications which are said to have been tendentious; if any incorrect news were published it was open to the Government to contradict the same and that having not been done, it was too late in the day now to argue that the publications of the newspapers were incorrect.

44. The learned counsel appearing for the students and the public classified the reports under three heads, namely :

- (a) reports of the movement—processions, meetings, demonstrations; they come within the ambit of objective reporting;
- (b) publication of views which include statements of individuals, political parties and editorials;
- (c) publication of Press Notes issued by Government and other highly placed persons connected with the Government either politically or officially.

45. In support of the contentions made on behalf of the students and the public several instances were cited from the publications of newspapers to show that the reporting was fair, faithful, detached and objective; in fact, every Press Note issued by the Government was published in prominent headlines; statements and appeals by the Provincial Congress Committee were also published prominently with bold headlines; all statements of Mr. Biju Patnaik were published prominently.

46. In this context, particular reference was made to several issues of the Eastern Times. In its issue of September 29, there was publication of double-column headline news on the front page under the caption "STUDENTS WARNED AGAINST HOOLIGANISM" and also a letter at page 2 of the said issue both published in the same objective spirit. In its issue of September 30, there was an editorial under caption "STOP THIS". All these items of publications purport to show that there was impartial weighing of the importance of the items of the news based on journalistic ethics.

47. It was submitted on behalf of the students and the public that the publications by the press were factual. In further support of these submissions, reference was made to the issue of the Eastern Times, dated September 27, 1964 front page last two columns, and also to the issue of October 1 and 2 publishing news about the students' disturbance during the period. The points urged on behalf of the students and the public were that newspapers were discharging duties faithfully; there was nothing to show that any item of news was motivated or exaggerated.

### D. Press and the law:

48. Lord Mansfield made the following pronouncement in *R. V. Dean of St. Asph* (3 T. R. 431 n):

“The liberty of the press consists in printing without any previous licence, subject to the consequences of the law.”

It is, in substance, a mere application of the general principle of the rule of law namely, that no man is punishable except for a distinct breach of the law.

49. It was thus, as a result of the strenuous struggle, that the British people at long last secured for themselves the greatest of their liberties—liberty of opinion. This liberty was a plant of slow growth in England, and in some Continental countries the State still exercises an authority over the press which, in Anglo-American spheres, would be considered intolerable in time of peace.

50. In England it was through a long process of evolution after the Reformation in Henry the VIII's reign when ultimately in 1695, the Licensing Act lapsed and, to quote Macaulay, “English literature was emancipated for ever from the control of the Government”. Lord Chief Justice Russell (of Killowen) said in *R. V. Gray* (1900) 2 Q. B. at p. 40:

“The liberty of the press is no greater and no less than the liberty of every subject of the queen.”

51. In India, freedom of the press is part of the freedom of expression guaranteed under Article 19 (1) (a) of the Constitution which provides that all citizens shall have the right to freedom of speech and expression. This freedom however is subject to the restrictions provided in Article 19 (2) that nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order and decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

52. The implications of this fundamental right guaranteed by our Constitution as elucidated by their Lordships of the Supreme Court in *Express Newspaper Ltd.-v-Union of India* A. I. R. 1958 S. C. 578, 616 are these : The freedom of speech

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comprehends the freedom of press, and the freedom of speech and press are fundamental personal rights of the citizens; the freedom of the press rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public; such freedom is the foundation of free Government of a free people; the purpose of such a guarantee is to prevent public authorities from assuming the guardianship of the public mind; and freedom of press involves freedom of employment or non-employment of the necessary means of exercising this right or in other words, freedom from restriction in respect of employment in the editorial force.

53. While giving a short but lucid account of the struggle between the public and the Crown in England for securing freedom of speech and the liberty of the Press, their Lordships of the Supreme Court in *M. S. M. Sharma v. Shri Krishna Sinha and others A. I. R. 1959 S. C. 395*, 401 referred to what William Blackstone wrote in his 4th Book of Commentaries published in 1769 :

“The liberty of the Press is indeed essential to the nature of a free State; but this consists in laying no previous restraints upon publication, and not in freedom from censure for criminal matter when published. Every free man has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of the Press; but if he publishes what is improper, mischievous or illegal, he must take the consequences of his own temerity.”

54. In assessing the nature of publications by the press it must be kept in view that in a democratic country such criticisms are to some extent unavoidable, they are made for the purpose of enlisting popular support, and in considering the effect of such criticisms no serious notice ought to be taken of crude, blundering attempts or of rhetorical exaggeration by which nobody is likely to be impressed. With the change of times, the effect of criticisms also changes, for instance, what was damaging contempt or hatred of a bureaucratic Government is not so of a popular Government—a Government which can neither afford to be hyper-sensitive, nor impervious, to criticisms.

55. In this context, while discussing the ideal by which the publications made by the press are to be judged, reference was made to the famous Quebec Letter. Back in 1774, the Continental Congress invited the inhabitants of Quebec to join the Americans in their struggle against

British imperialism, and sent the said letter. That letter listed the rights which the American Colonists held dear; and it stated among other things:

“ The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs.”

56. *What the freedom of the press means* : Let us now be quite clear what exactly we mean by the freedom of the press, why it is so important to us, how it is used, and how it could be threatened.

57. It means, quite simply, that the press must be allowed to say what it likes about anything or anybody without fear of the Government or any one else penalising it in some way. It must, however, observe a few laws like the rest of us, particularly the law of libel. There are four kinds of libel, defamatory, blasphemous, obscene and seditious; and of these defamatory libel occurs much more frequently than the other three put together. A person can take court action against a newspaper if it has published something which, he feels, has made people hate him, ridicule him, avoid him, regard him with contempt, or which in some way injures him in his job or public position. He may not win the action, though, because the jury may decide that what the newspaper said about him was fair comment. The law of libel depends very much on how it is interpreted in the courts. If a newspaper suggested that a Minister should resign, as newspapers often do, because he has made too many mistakes or because his policies were bad, he would doubtless feel that he was being held up to public contempt. If he went to court, however, it may be decided that this was fair comments. In a democratic society it is an important principle that people who accept public office must also be prepared to accept the often harsh criticism of how they perform it. If, however, the newspaper suggested that the minister had been dishonestly making a private profit out of his position he would have very good reason to bring a libel action against it. If it were proved that he had been dishonest then, again, he would almost certainly lose the action. But the law of libel would protect him against such a suggestion which had no truth in it.



58. We can see how important is this right to criticise freely, not only to the newspaper but to all of us, when we read of events in less democratic countries. When a dictator takes control of a country, sooner or later he stamps on the freedom of those who oppose his ideas. He may prevent his opponents from holding meeting to discuss the situation, and he may prevent them from holding responsible and influential jobs. He can destroy their freedom in many ways under the threat of arrest by armed police. But always the first thing he does is to censor or stop the publication of newspapers and periodicals which might criticise him and influence their readers against him. This has happened in Communist countries, in parts of South America, in France, Turkey, Spain, Portugal and in South Africa.

59. When this happens, it is not only the newspaper owner, his Editor and the other journalists who are being prevented from speaking freely; it is all of us. For the press exists not only to inform us of what is going on and to help to form our opinions about it, but also to provide us with a means of publicly expressing our dissatisfaction and criticism. The most straightforward way of doing this is to write a letter to the Editor for publication. If it is a very serious matter, however, he will probably tell one of his reporters to investigate our complaint and write an article about it. Either way, the press is doing its job as a mouthpiece of public opinion.

60. The best use the press can make of its freedom is to keep an eye on people and public bodies with any sort of power and to criticise them reasonably when it feels that their power is being misused. By doing this it is helping to guard all the other forms of freedom which exist in a democratic society. Criticism of a Minister is a rather spectacular case of this kind. There are many abuses of power lower down the scale, among officials of all kinds, among businessmen, among various elected bodies such as municipal councils, and among members of the general public. Newspapers should, and do, reveal to their readers what is going on in such cases and then speak out strongly against this.

61. When you are given a freedom as precious as this, it is a bargain with two sides to it. The press itself possesses great power and it should be careful not to misuse it. With almost unlimited freedom to criticise and report what it likes, it must not do so unfairly, or else it is misusing power itself. It should not, as C. P. Scott, Editor and Proprietor of the

Manchester Guardian pointed out, distort the truth of what has happened either by deliberately using a few of the facts to suit its purpose or by reporting them inaccurately. Most cases of inaccurate reporting, as a matter of fact, are not deliberate. They are the result of carelessness or misunderstanding. A reporter asks someone for some information on the telephone, the line is bad, and he gets a figure or a name wrong. If he had had more time or had been more determined to be accurate at all costs, he could have checked up on what he thought he heard from other sources. But reporters are often working under great pressure and at such times the chances of error are much greater than normal. There is some excuse for inaccuracies resulting from the peculiar conditions under which most journalists work. Nevertheless, every time they occur, the freedom of the press is being misused.

62. Unfortunately, the papers which are most active in uncovering and criticising abuses of power are also the ones which offend most frequently themselves. It was an editor of the Times, J. T. Delane, who emphasised that "the Press lives by disclosure". It is said that in England, on the whole, it is not any of the quality papers which regularly perform a public service by drawing attention to corruption and abuse; the popular national papers have a far better record in this respect, which is possibly one reason why so many people in powerful positions look down their noses at them so much; at the same time, most of the populars have on occasion fully deserved the epithet "gutter Press" for the methods they have used to get what was reckoned to be a good story.

63. In England in 1947, a Royal Commission was set up to examine certain aspects of the press. When it reported in 1949 it recommended, among other things, that a Press Council should be created to deal with the irresponsible use of freedom by the press. It is worth quoting in full the relevant paragraphs of the Commission's recommendations, which are as follows :

"We recommend, therefore, that the General Council of the Press, by censuring undesirable types of journalistic conduct and by all possible means, should build up a code of conduct in accordance with the highest professional standards. It should have the right to consider any complaints which it may receive about the conduct of the Press or of any persons towards the Press, to deal with these complaints in whatever manner may seem to it practicable and appropriate, and to include in an annual report a statement of any action taken.

In this connection two matters which have been the subject of proposals put before us should engage the Council's attention--- intrusion into privacy and the problem of correcting or controverting misstatements."

64. The British Press Council met for the first time in 1953 and has done so four or five times a year ever since. It issues a statement of complaints heard and action taken after every meeting, which some papers publish and others ignore.

65. *The Indian Press Council Act 1965 : Act 34 of 1965:* We have also in India, Press Council Act, 1965 recently passed by Parliament having received the assent of the President in November 1965. It is almost on the same line as the British Press Council Act.

66. One of the major recommendations of the Press Commission concerned the establishment of a Press Council in India consisting of people principally connected with the Press, which would safeguard the liberty of the Press, evolve and maintain standards of journalistic ethics, keep under review developments tending towards monopoly and concentration of control and promote research and provide common services for the press. The Bill sought to implement this recommendation. It was also one of the objects that the Press Council would be an autonomous body in the discharge of its functions and would regulate its own procedure ; no disciplinary powers are given to the Press Council; it can only express its disapprobation and for that purpose it has been given the necessary immunities and procedural powers for holding enquiries; the decision of the Council shall not be questioned in any court of law.

67. The Press Council Act 1965 as an Act of Parliament received the assent of the President on November 12, 1965 and was published in the *Gazette of India* dated November 15, 1965. As the preamble shows, this was an Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers in India.

68. Chapter II contains provisions regarding the establishment of the Press Council. Chapter III covering Sections 12 to 19 deals with the powers and the functions of the Council. Section 12 provides that the object of the Council shall be to preserve freedom of the Press and to maintain and improve the standards of newspapers in India.

69. In the present context, the relevant provisions of the Act are set out for reference :

“ 12. *Objects and functions of the Council :*

- (1) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India.
- (2) The Council may, in furtherance of its object, perform the following functions, namely :
  - (a) to help newspapers to maintain their independence ;
  - (b) to build up a code of conduct for newspapers and journalists in accordance with high professional standards ;
  - (c) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship ;
  - (d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism ;
  - (e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance ;
  - (f) to keep under review such cases of assistance received by any newspapers or news agency in India from foreign sources, as are referred to it by the Central Government :
 

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit ;
  - (g) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable ;
  - (h) to provide facilities for the proper education and training of persons in the profession of journalism ;
  - (i) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers ;
  - (j) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor ;
  - (k) to promote technical or other research ;
  - (l) to do such other acts as may be incidental or conducive to the discharge of the above functions.

13. *Powers to censure :*

- (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may after giving the newspaper, editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, censure the newspaper, the editor or journalist, as the case may be ;
- (2) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law ;
- (3) The decision of the Council under Sub-section (1), shall be final and shall not be questioned in any court of law.

14. *General powers of the Council :*

- (1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.
- (2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely :
  - (a) summoning and enforcing the attendance of persons and examining them on oath ;
  - (b) requiring the discovery and production of documents ;
  - (c) receiving evidence on affidavits ;
  - (d) issuing commissions for the examination of witnesses or documents.
- (3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1960).

\* \* \* \* \*

18. *Annual report :* The Council shall prepare once every year, in such form and at such time, as may be prescribed, an annual report giving summary of its activities during the previous year, and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

\* \* \* \* \*

20. *Protection of action taken in good faith :*

- (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.
- (2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

\* \* \* \* \*

22. *Power to make rules :*

- (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act :

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :
  - (a) the manner in which panels of names may be invited under sub-section (5) of section 4 ;
  - (b) the allowances or fees to be paid to the members of the Council for attending meetings of the Council, and other conditions of service of such members ;
  - (c) the appointment of the Secretary and other employees of the Council ;
  - (d) the form in which, and the time within which, the budget and annual report are to be prepared by the Council ;
  - (e) the manner in which the accounts of the Council are to be maintained and audited.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

70. It will appear from the provisions of the Press Council Act that it is substantially on the same lines as the British Act. The long-felt necessity of a code of conduct for newspapers and journals in accordance with high professional standards has been provided for in Section 12 (2) of the Act.

### **E. Discussion of particular items of impugned publications in different newspapers :**

71. The administration filed as annexures the daily issues, during relevant period, of the Prajatantra, the Samaj, the Kalinga, the Matrubhumi and the Eastern Times. The attention of the Commission was drawn to several items of Publications particularly in the Samaj, the Prajatantra and the Eastern Times. In support of the point of view of the students and the public they also relied on various items of publications in the different newspapers.

72. *The Samaj publications* : The Samaj has the widest circulation all over Orissa. It has the reputation of commanding public confidence as an independent daily newspaper maintaining the established traditions, high standards of journalistic ethics and public taste. Its Editor Mr. Radhanath Rath is a popular public leader who was for several years connected with the Government as one of the Senior Cabinet Ministers of Orissa. Let us now deal with some of the items of its publications which were commented on behalf of the administration in course of this enquiry.

73. *The Samaj Issue dated September 28, 1964 (marked S/1) :*

The news of what happened in Cuttack town previous day i.e. September 27 was published on the first page of the paper at the top in bold headlines covering four columns under the caption:

“CUTTACKARE GANDAGOLA O GURUTARA PARIS-  
THITI CHHATRA-JANATA-POLICE SANGHARSA :

BIKSHYOBHAKARINKA PAKSHYARU TEKA PATHARA  
MADA EBAM POLICE PAKSHYARU LUHABUHA GAS  
PRAYOGA, LATHI CHALANA :

TEKA PATHARA MADA O LATHI CHALANA  
PRABHRUTIRE SATHIYE JANA JAYE AHATA :

GOTIA JEEP GADI PODJACHHI AND KETAKA  
OFFICER AHATA HOITHIBA PRAKASH:

UPADHRUTA ANCHALARE 144 DHARA JARI :

ASHIJANA PARYANTA GIRAF HELENI :”

(Disturbance at Cuttack and serious situation : student-public-police clash ; throwing of stones from the side of the agitators and use of teargas and lathi charge by police : in the stone throwing and lathi charge, etc. about 60 people injured, one jeep has been burnt and some officers reported to be injured : 144 order promulgated in the affected area : about 80 people have been arrested :)

The student trouble as it started and developed near the radio shop was described in the first half of the front page of the said issue of the paper. It is clearly a fair statement of what happened on September 27 : no grievance was made on behalf of the administration with regard to the details given in the said news item. Therefore, it did not call for any comment on it. According to the administration at this stage the press was reporting the news correctly without showing any leanings. In fact, the details as given in the news item do not give any impression that the paper was siding with any party.

74. *The Samaj Issue dated September 29, 1964 (marked S/4) :*

- (a) This was a Press Communique issued by the Government published on the front page covering four columns at the top of the said issue in bold headlines in the following manner :

**“ORISSARA CHHATRA SAMAJAKU SARAKARANKA SATARKA BANI:**

**GOONDAMI O BEY AYINE KARYA KALAPARE SEMANE PRABRUTTA NA HUANTU :**

**A PRAKARA KARYA KALAPARE LIPTA THIBA DURNAMA TANKU CHAKIRI PAIBA KSHETRARE ASUBIDHARE PAKAIBA :**

**GOONDAMI JABAT KARIBA DIGARE DRUDHA BYABASTHA GRAHANA KARIBA PAIN AYINE SRUNKHALA RAKSHYAKARI KARMACHARINKU KADA NIRDESH DIAJAICHHI :**

**CHHATRA SANGATHANA O JANA SADHARANA NIJA NIJA PAKSHYARU ASABU GOONDAMIRA PRATIKARA PAIN UDYAMA KARANTU :**

**ORISSA SARAKARANKA PRESS ISTAHARA. ”**

(Government's warning to the student community, Orissa : let them not indulge in hooliganism and unlawful acts : a reputation for such activities is definitely a deterrent in the field of employment : Officers engaged in maintenance of law and order have been given strict orders to suppress goondaism by taking firm action : let the students' organisations and the public make attempts to remedy such goondaism : Press Note of the Government of Orissa : )

In the said communique prominently published in bold headlines as aforesaid, the Government warned the students against their illegal and



rowdy actions. Below the headlines as quoted above, the entire Press Note was quoted verbatim—the entire item of news having covered three columns on the front page.

- (b) Another item of news—namely that order under Section 144 was promulgated in the entire Cuttack City ; this morning again disturbance in Cuttack-Chandi, Chandinichowk areas ; so far 120 people arrested and sent to hajat—was also published on the front page by the side of the Government communique prominently published in bold headlines as aforesaid. It is quite clear from the nature of the publications that the Government Press communique and the news about the students' agitation as reported by the representative of the newspaper were given equal prominence.
- (c) In the lower half of the front page of that date's issue of the paper, there was an item of news about the Orissa Assembly, as reported by the paper's own representative, prominently published in bold headlines covering three columns under the following caption :

“ ORISSA BIDHANA SABHARE UTTEJANA :

CUTTACK GANDAGOLA GHATANARA NIRAPKSHYA BICHARA BIBHAGIYA TADANTA  
PAIN BIRODHI DALARA DABI AGRAHYA :

SARAKARANKA UDARA NITIKU SWAGATA KARIBA  
PARIBARTE KETIKA CHHATRA TAHARA APABYABAHARA  
KARICHHANTI EBAM ARAJAKATAKU  
BARADASTA KARAJIBA NAHIN BOLI GHAROI  
MANTRINKA GHOSANA : ”

(Great excitement in Orissa Legislative Assembly : the demand of the opposition for an impartial judicial enquiry over the incidents relating to Cuttack disturbances turned down : instead of welcoming the liberal attitude of the Government some students have misused it and such lawlessness will not be tolerated as announced by the Home Minister :)

- (d) Below these headlines, the entire text of the speech of the Home Minister Mr. Nilamani Routray in the Assembly Hall and the reaction of the House were narrated therein.
- (e) It is also interesting to note that the news about the students, meeting and procession at Sambalpur was published on the same page in a single column

less prominently in between the Government Press Communique and the news given by the newspaper's own representative regarding promulgation of 144 order in the Cuttack city etc. as aforesaid.

- (f) Besides there were also three other small items of news—order under Section 144 promulgated in Bhubaneswar; Bhubaneswar and Puri Colleges closed; police guards near different offices and near the High Court gate; number of arrests 120—published in a single column without any prominence whatsoever by the side of the Press Communique prominently published in bold headlines.
- (g) Furthermore at the bottom of the front page of the said issue of the paper of that date was published a photo showing how Shrimati Rama Debi was explaining to the students. This pictorial representation of the efforts made on behalf of the leaders was evidently an indication of the intention of the press to bring peace among the disturbed students.
- (h) In the editorial page (i. e. page 2) of the said issue, although there was nothing directly relating to the students' agitation but there was publication of an important item of PTI news from New Delhi published in the last two columns under the following caption :

“MUKHYA MANTRI SRI MITRANKU KSHYAMATA  
CHYUTA KARAJAU :

TANKA BIRODHARE ABHIJOGARA BICHARA BIBHA,  
GIYA TADANTA BYABASTHA TURANT ABASYAKA :

UPA RASHTRAPATI DOCTOR ZAKIR HUSSAINKU  
BHETI NIKHILA BHARAT DURNITI NIRODHA  
SAMMILANI PRATINIDHI DALANKA DABI”.

(Let the Chief Minister Shri Biren Mitra be removed from power : immediate judicial enquiry into the allegations against him is necessary : this is a demand made by representatives of the All India Anti-corruption Conference on the Vice-President Dr. Zakir Hussain : )

Although the publication of this item of PTI news from New Delhi was quite within the rights of the local press in Orissa, this had, however, the impact on the mind of the students who were

already agitated against the Government. This made the Chief Minister unpopular and had evidently a tendency to further aggravate the situation. Even so, it cannot be said that the press made any breach of code of journalistic ethics in publishing the said news.

- (i) On the third page of the issue there was reproduction of a piece of the Hindusthan Times news from New Delhi referring to a letter of Mr. Nanda to Mr. Mitra in bold headlines covering the 5th and 6th columns of the page under the following caption :

**"SRI MITRANKU NANDANKA CHITAU :**

**POLICE ANUSANDHANAKU SAHAJYA KARA, NACHET  
BICHARA TADANTA COMMISSION BASIBA :**

**DELHI RE ORISSA BISAYARE BHALENI :"**

(The letter of Mr. Nanda to Shri Mitra : help police investigation or else a Judicial Commission would be set up : anxiety in Delhi over Orissa matters :)

This was an item of news given by the Hindusthan Times from New Delhi by way of dissemination of news which being of interest to Orissa, the local press published in the usual course. Undoubtedly, the subject matter related to the current affairs of public interest in which this State was directly concerned; it was a factual and objective representation of current news of the time.

**75. The Samaj Issue dated September 30, 1964 :**

- (a) There was a piece of news on the front page in the middle covering the 4th and 5th columns in bold headlines under the following caption :

**"CUTTACKARA BISHISTA BHADRA BYAKTI MANA-  
NKAR NIBEDAN :**

**POLICE LATHI MADARA PRATIBAD :**

**BICHARA BIBHAGIYA TADANTA PAYIN DABI O  
SHANTI RAKSHYA PAYIN CHHATRAMANANKU  
NIBEDAN :"**

(The appeal of some of the leading gentlemen of Cuttack: protest against police lathi charge : Judicial Commission enquiry demand and appeal to students to remain peaceful :)

This refers to a statement made by certain public leaders including an Ex-M. P., Editor of the Matrubhumi, member of the Hind Sevak Samaj

and some Advocates as mentioned therein. In substance, it was an appeal by the leaders to both the Government and the students for peaceful solution by setting up a Judicial Enquiry Commission. There is a reference to the alleged excess on the part of the police at different places, and at the same time, the leaders also appealed to the students to restrain themselves, keep discipline and not to indulge in any such acts which would lower the fair name of Orissa and our country. This shows that the leading public men of Cuttack took up the issue in the initial stage and had claimed a judicial enquiry; it is not that the leaders remained silent spectators of the student-police clash.

- (b) There is another piece of news also on the front page of the issue of the same date covering the last three columns at the top in bold headlines under the following caption :

**“AJI MADHYA BIDHANA SABHARE UTTEJANA :**

**CUTTACK GANDAGOLA O TAJJANITA PARISTHITI  
GHENI ALOCHANA BELE TEEBRA BAKYA BINIMAYA:’**

(Today also excitement in the Legislative Assembly over Cuttack disturbances; the situation arising therefrom was discussed : there was sharp exchange of words :)

This news given by the paper's own representative narrates what happened during the proceeding in the Legislative Assembly giving details of exchange of words between the State Home Minister and the opposition members.

- (c) Apart from this, there is also a statement in bold headlines by Mr. Surendranath Pattanaik, MLA, on the sixth page of the issue covering third and fourth columns. The substance of the statement is that whoever breaks law is to be blamed. In the same page just below the statement of Mr. Pattanaik, there is also a statement made by Mr. C. V. Murty and Mr. R. N. Panigrahi, Advocates referring to the alleged unprovoked police action on the students.
- (d) In the 5th column of the same page there is also a statement of Mr. Nishamani Khuntia, Secretary, SSP demanding a judicial enquiry. In the 6th

column of the same page, there is an appeal to the students and the Government by the Secretary of the Utkal Shanti Parishad.

- (e) At page 7 of the same issue, there appears a statement in bold headlines covering full three columns and some portion of the fourth column made by the State Home Minister Mr. Nilamani Routray in the Assembly under the following caption:

**“CHHATRAMANE BEYINE KARYA O GANDAGOLARU  
KSHYANTA HUANTU:**

**EHA DWARA SEMANE NIJARA TATHA DESHARA  
ANISHTA KARUCHHANTI :”**

(Let the students refrain from unlawful acts and disturbance: by this they are doing ill to themselves and to the country :)

In the course of his statement in the House, the Home Minister gave a full description of the incidents on September 26 and 27 at Cuttack. In that connection, he praised the police action in handling the situation; he said that while the students indulged in violence and took the law into their own hands, the police was compelled to take action.

- (f) In the same page, there is also a statement by Srimati Rama Debi who said that she along with some others visited the arrested students and the outsiders in Jail; they said they were quite safe and receiving good treatment there and there was no cause for anxiety about them.
- (g) In the last page there are four photographs—one showing the people held up due to teargassing; the second showing cycles stacked in broken condition in College Square which, subsequently, were removed in a police truck; the third one is a photo purporting to show the arrested persons being taken into the police van; and the last one is a photo of the police jeep which was burnt.
- (h) All these items of news including the pictorial representation of the incidents through photographs are objective dissemination of news by the press about all aspects and as such it cannot be said that there was any bias in these publications one way or the other.

76. *The Samaj Issue dated October 2:*

- (a) On the first page of the issue there is a news item covering the first three columns in bold headlines about the proceedings in the Assembly Hall at Bhubaneswar under the following caption :

“ BIDHANA SABHARE TUMULA HATTAGOLA O  
BIRODHI DALA SABHYANKA KAKSHYA TYAG :

POLICE ATYACHARA ABHIJOGARA KOUNASHI  
SWATANTRA TADANTA HEBA NAHIN BOL  
GHAROI MANTRINKA NASTIBANIRA PRATIBAD :’

(Great tumult in the Legislative Assembly and the opposition members quit the House; protest against court announcement of the Home Minister that there will be no special enquiry over the alleged police oppression :)

This item of news dealt with the proceedings of the House where there was again a demand for judicial enquiry into the students’ disturbances; the Home Minister Mr. Nilamani Routray did not agree to the setting up of a Judicial Commission; thereupon the opposition members belonging to the Communist Party, SSP, Swatantra and Independent members also left the House one after the other. This again was an objective presentation of what had happened in the Assembly during the proceedings, as reported by the newspaper’s own representative at Bhubaneswar.

77. *The Samaj Issue dated October 3, 1964:*

- (a) On the second page at the top in bold headlines covering columns 5 and 6 there is a news item under the following caption:

“BISISTA NAGARIKANKA BAITHAK. CHHATRA  
BIKSHYOBHA O POLICE DAMANA BISAYARE  
ANUSANDHAN DABI :”

(Meeting of some leading citizens: demand for enquiry over student demonstration and police oppression :)

This relates to a meeting of some public leaders of the town of different walks of life in the Hind Sevak Samaj office under the Presidentship of Mr. Gobinda Chandra Misra, Ex-M.P. in which several resolutions were passed *inter alia* demanding judicial enquiry; unconditional release of the arrested persons; withdrawal of Section 144 order.

- (b) In the same page in columns 7 and 8, there is a statement by Sm. Rama Debi and Mr. Sarat Chandra Maharana at the top in bold headlines under the following caption:

**“CHHATRA-POLICE SANGHARSA PARE KARTABYA”**

(Duty after the student-police clash)

This is an appeal to all including students how the movement should be tackled by the Government, guardians and the general public in an appropriate manner. In the end, it makes an appeal to the students to learn restraint and give up anger, vengeance and arrogance; it also appeals to the administration and the students to adopt constructive measures.

- (c) At page 5 of the same issue, there is a statement of Mr. Nilamani Routray, State Home Minister in the Assembly covering columns 3 and 4 in banner headlines at the top under the caption—so far as relevant in the present context—as follows:

**“CUTTACK CHHATRA GANDAGOLA SAMPARKARE  
TADANTA KARAJIBA ANABASYAK BOLI GHAROI  
MANTRINKA SUCHANA”**

(There is no necessity for an enquiry regarding students' disturbance at Cuttack:)

In course of his speech for passing of the Police Budget, he made references to the students' agitation; the entire statement of the Home Minister was published by the paper on the basis of the news as supplied by the paper's own representative at Bhubaneswar.

**78. The Samaj Issue dated October 7, 1964 :**

The news of boycotting the Assembly by the opposition members as a protest and what happened in the Assembly were all published in details in the front page in bold headlines covering columns 1, 2 and 3 at the top under the following caption:

**“BIRODHI DALA BIDHANA SABHA BARJANA KALE:  
CHHATRA-POLICE SANGHARSA SAMPARKARE  
BICHARA BIBHAGIYA TADANTA DABI GHAROI  
MANTRI GRAHANA NAKARIBARU PRATIBAD:”**

(Boycotting of the Assembly by the opposition members in protest against the Home Minister's refusal for setting up a Judicial Enquiry Commission:)

This is also a publication of the Assembly proceedings on the basis of the news sent by the paper's Bhubaneswar representative. In view of the importance of the subject matter it was prominently published in the manner as aforesaid.

79. *The Samaj issue dated October 8, 1964 :*

- (a) There is a statement of the leader of the opposition before boycotting the assembly published in the second page at the top in bold headlines covering columns 4, 5 and 6 under the following caption :

‘SARAKARA ORISSARE POLICERAJ CHALU RAKHI-BAKU CHAHANTI:

“BIRODHI DALARA KOUNASAI JUKTI SANGATA PRASTAB GRAHANA KARAJAU NATHIBA DRUSTIRU SEMANE GRUHARE BASI LABHA NAHIN :”

(Government wants to continue Policeraaj in Orissa: in view of the non-acceptance of any appropriate proposals of the opposition, there is no use in their sitting in the House:)

This was also a factual representation of what exactly took place in the Assembly on that date.

- (b) At page 7 of the same issue, there is a news item at the top in bold headlines covering columns 3 and 4 about the threat given by the Cuttack Citizens Committee to break order under Section 144. The news was published under the following caption:

“CUTTAKARE 144 DHARA BHANGA HEBA: NAGARIKA COMMITTEENKA NISPATI:”

(144 order will be broken at Cuttack : Decision by Cuttack Citizens' Committee)

This was a statement made by some public leaders including some opposition members of the Assembly.

80. *The Samaj issue dated October 10, 1964 :*

On the last page of the issue (i.e. p. 8) there is a photograph purporting to show Shri Gobinda Chandra Misra in the midst of some persons alleged to be three thousand in number breaking 144 order on October 9, 1964. In the same page, there is also another item of news in bold headlines at the bottom covering columns 3 and 4 where the statement of Mr. Surendranath Dwivedi was published.



In the said statement Mr. Dwivedi made certain proposals for setting up a Judicial Commission and withdrawal of 144 order.

81. *The Samaj issue dated October 11, 1964 :*

In the last page (i.e. p. 8) there is a photograph purporting to show a crowd with Sm. Sarala Debi at the front alleged to have been breaking 144 order.

82. *The Samaj issue dated October 12, 1964 :*

In the front page, a statement said to have been made by Mr. Biren Mitra, the Chief Minister was published in bold headlines at the top covering columns 5 and 6. In the said statement, the Chief Minister said that he had no difference of opinion with his colleagues; whatever action was taken by the Government in respect of the students' agitation was done with his consent, approval and as directed by him. By this statement, he denied the propaganda against him.

83. *The Samaj issue dated October 14, 1964 :*

On the second page, there is a news item to the effect that educational authorities will consult with the principals of the Government Colleges regarding measures for eradication of students' agitation.

84. *The Samaj issue dated October 21, 1964 :*

In the front page there is a news item in column 4 on the basis of a report received from the newspaper's Bhubaneswar representative to the effect that the Chief Minister of Orissa denied the news that Centre has called for a report about the students' agitation because it was baseless.

85. *The Samaj issue dated October 23, 1964 :*

In the first page there is an item of news in columns 1 and 2 towards the bottom as reported by the paper's Bhubaneswar representative to the effect that there is an attempt to avert the students' agitation, and discussions are going on at the top level of the Government regarding what measures should be adopted in that respect.

86. *The Samaj issue dated October 24, 1964 :*

- (a) It was published in the front page under bold headlines that there was again students' strike in the capital and promulgation of 144 order. It was also reported that the students did not join classes at Vani Vihar and BJB college; there was a meeting of students at the market building after the procession and other connected news about the students' strike at Bhubaneswar.
- (b) At page 5 of the same issue, there was publication of a news that the principals of the colleges expressed the opinion that because of the Government's leniency, indiscipline spreads among the students; if the student movement continues, the colleges would be closed and if any student would absent himself for three days after puja holidays, his name would be struck off.
- (c) In the last page of the same date, there was also publication of a photograph purporting to show how the students were doing Satyagraha in front of the Collectorate compound and 20 students were arrested in three batches. In the same page there is also a news item in single column as reported by the Hindusthan Times from New Delhi that the Central Investigation about Orissa leaders will continue and that it would not stop under anybody's pressure.

87. *The Samaj issue dated October 25, 1964 :*

- (a) In the first page towards the end there is a news item covering columns 6 and 7 relating to students' agitation at Sambalpur, where 144 order had been promulgated; there was use of teargas; trouble while the students' procession was obstructed by the police; as a result of throwing of stones and rounding up by the police, three persons were injured and 10 persons were arrested.
- (b) In the second page of the same issue, a Government Press Note was prominently published in bold

headlines at the top covering three columns under the caption :

“ORISSARA CHHATRA SAMAJAKU SARAKARANKA PARAMARSHA :”

( Advice of Government to the Orissa student-community )

In this statement, the Government advised the students to avail themselves of all the educational facilities ; to restrain themselves from indulging in strikes and violence ; it will be suicidal to allow anti-social and destructive activities in schools and colleges ; that due to violent attitude among the student leaders, there was students' disquietude.

88. *The Samaj Issue, dated October 26, 1964 :*

At page 7 there is a photograph purporting to show some students on Satyagraha in front of the Collectorate ; the news item gave the names of students arrested in students' agitation at Cuttack.

89. *The Samaj Issue, dated October 27, 1964 :*

- (a) At the front page there is an item of news in bold headlines at the top that 103 students were arrested at Cuttack on that date and that all shops remained closed. This was all in connection with the strike that continued from day to day in front of the Collectorate.
- (b) On the same page, there is a photograph at the bottom left hand side purporting to show some students in garlands said to have been arrested. There is another news item on the same page in the middle in 3 columns in bold headlines to the effect that in the capital, there was a movement of students breaking order under Section 144 ; that 11 students were arrested while doing Satyagraha in front of the Secretariat ; that students were warned on the mike not to indulge in lawlessness ; strict police guards were posted at different places ; discussions going on among guardians, members of the general public and leaders for a settlement.

- (c) On the second page of this issue there was a news item as reported by the paper's Balasore correspondent that there was an attempt by the District Magistrate, Balasore to avert the students' agitation there. According to the news, in a meeting some prominent men advised that there should be judicial probe into the police oppressions on Cuttack students.
- (d) At page 3 of the said issue, there is a statement made by Mr. Surendranath Patnaik that the Government communique about the students' movement was ridiculous and irresponsible. He advised the students to restrain themselves from acts of indiscipline. In the same page there is a news from Sambalpur publishing the statement of the District Magistrate as reported by their own representative.
- (e) On the last page of the same issue there is an item of news covering columns 6 and 7 at the top in bold headlines to the effect that 32 students were arrested for having broken order under Section 144. It is said that they burnt the effigies of the Chief Minister Mr. Biren Mitra and of the Home Minister Mr. Nilamani Routray near the Collectorate.

90. *The Samaj Issue, dated October 28, 1964 :*

- (a) There was a three-column Bhubaneswar news on the front page in bold headlines at the top to the effect that again 144 order was promulgated throughout the capital ; there was use of teargas by the police in order to disperse the student mob ; 25 persons were arrested on the charge of having violated order under Section 144 ; it was learnt that at a conference of ministers it was decided that the tendency of the students to break the law would be sternly suppressed ; it was also learnt that the students were determined to paralyse the functioning of the Government offices.
- (b) On the same page, there was also a three-column news in the middle in bold headlines to the effect that the Government were agreeable to set up a

Commission under the Chairmanship of a high Executive Officer.

- (c) There was also another item of news on the same page in bold headlines at the top covering columns 7 and 8 to the effect that there were arrests at Cuttack ; six persons including Mr. Nishamani Khuntia, the leader of PSP and one student leader were said to have been arrested under the Defence of India Rules and some others were being searched for.
- (d) At page 3 of the same issue, there were several news items referring to the student movement at Sambalpur, Jajpur and Bhadrak. At page 5 there was a photo of a meeting at Gopabandhu Bag purporting to show the student crowd and public in different positions and the news about the meeting was published in bold headlines covering columns 3, 4 and 5 just below the photo to the effect that it was decided at the meeting that the students' movement would continue until their demands were fulfilled ; that the Government should quit office if they were unable to meet the demands of the students. It is also stated that there was complete hartal at Cuttack and that the speakers of the meeting had expressed the view that the public were in support of the movement. At the last page of the said issue there was also an item of news in bold headlines at the top covering columns 6 and 7 where the statement of Mr. Bankabehari Das and Mr. Nishamani Khuntia was published alleging misuse of Defence of India Rules, and that people should protest against oppressions.

91. *The Samaj Issue dated October 29, 1964 :*

- (a) In the front page at the top there was an item of news reported by the paper's representative at Bhubaneswar in bold headlines covering columns 6, 7 and 8 referring to the firing in the capital; lathi charge and use of teargas by the police and throwing of stones by the agitators; 5 policemen including one officer and several students were injured. On the same page towards the middle, there was also another news item in bold headlines covering columns 5, 6 and 7 to the effect that

functioning of Cuttack Collectorate was paralysed because of the students' movement; practically no work could be done; offices were closed one hour in advance and 200 students who were breaking order under Section 144 were arrested and taken in four police trucks. There was a further item of news on the same page in bold headlines covering columns 3, 4 and 5 in the middle to the effect that some colleges were closed for indefinite period and this closure of colleges was also applicable to all Government and private colleges at Cuttack, Bhubaneswar, Puri and Bolangir.

- (b) At page 3 of the same issue, there was a photograph purporting to show the school students arrested in front of the Cuttack Collectorate. Below the said photograph, there were several items of news all over the page referring to students' agitation at different places all over the State.
- (c) At page 5 of the same issue, two letters were published—one being a statement of Mr. Ramachandra Ram, MLA Advocate and another from Mr. Baidyanath Misra, on behalf of the Students' Council of Action.

92. *The Samuj Issue, dated October 30, 1964 :*

- (a) There was a publication of the news reported by the paper's representative at Bhubaneswar on the front page in bold headlines covering columns 1, 2, 3 and 4 at the top to the effect that at Bhubaneswar there was curfew order passed after firing and lathi charge by the police and throwing of stones by the students; as a result, 2 students by police firing and 9 students by the lathi charge were reported to have been injured; there was attack on the houses of several important persons at Bhubaneswar and setting of fire to a furniture factory and a shop.
- (b) On the same page there was publication of a Press Note to the effect that the Government had given assurance to the Guardians' Committee that the students' demands will be favourably considered by the Government. On the same page there was another news item that the representatives of the Guardians' Committee were satisfied

that the Government have decided to set up a Judicial Enquiry Commission. There was also a publication of news from New Delhi on the same page towards the bottom in bold headlines covering columns 4 and 5 to the effect that the CBI had submitted their preliminary report against certain ministers of Orissa; that it was a 150-page report under consideration of the Union Home Minister Mr. Gulzarilal Nanda and that there were adverse comments against the ministers in the said report. There was a further news on the same page in bold headlines towards the bottom publishing a statement of Sm. Rama Debi that Shri Harihar Acharya would go on fasting if there was not a just solution of the problem.

- (c) At the bottom of the same page, there was a photograph of girl students of the Medical College going in procession. Also at the bottom of the same page of the issue there was another item of news stated to have been the 'last news' to the effect that there was firing at Berhampur as reported by the paper's local representative.
- (d) At page 3 of the same issue, there were several news items about the spreading of students' disturbance all over the State. On the same page, at the top there was a photograph purporting to show that the student-strikers were being cordoned up by the police in front of the Cuttack Collectorate. At page 4 of the said issue there was a photograph purporting to show an attempt to remove the Satyagrahis from the police cordon.
- (e) At page 5, there was also a news item in bold headlines at the top covering columns 1, 2 and 3 to the effect that there was a meeting convened by SSP in which different speakers stated that there was full support of the public for the students' demands; that public would help the students in every way as long as the movement continued peacefully. There was also another photo at page 5 purporting to show that some Satyagrahi students were being taken under arrest.
- (f) At page 6, there was also another item of news in bold headlines at the top covering columns 1 and 2

to the effect that there was attack by the police on the Christ College hostel at midnight; it was stated that as a result of that, 5 students were injured and 2 doors were damaged. There was also a photograph on this page purporting to show the Satyagrahi students being taken out of the police cordon.

3. *The Samaj Issue dated November 1, 1964 :*

- (a) The entire first page gave the news all about the students' movement in different parts of Orissa with banner headlines covering all the eight columns under the following caption :

“ORISSARA PURAPALLI SARBATRA UTTEJANA  
BYAPAKA HELA :”

(Excitement all over Orissa)

On this page, news were prominently published to the effect that Congress authorities were greatly concerned about the situation in Orissa; that Dr. Ram Subhag Singh was deputed by the Congress President for analysing the cause of the disturbance; there was great resentment among the Secretariat staff at Bhubaneswar over police oppression and they openly expressed their protest to the authorities that until suitable security measures were taken they would not be able to attend to work. There was also another item of news to the effect that efforts for solution of the problem were being made.

- (b) On the same page at the bottom on the right hand side a photograph was published purporting to show student demonstrators on the roof the Cuttack Collectorate hoisting a black flag. On the second page (editorial page) of the said issue there was publication of the Government Press Note in bold headlines at the top covering columns 5, 6 and 7 explaining the necessity for calling for military reinforcement. The Government also made appeal to the members of the public and students to help the Government in suppressing the anti-social elements who were indulging in lawlessness and violence. At page 3, there was a photograph showing the procession at Buxibazar in Cuttack.



At page 5 of the said issue there was another photograph purporting to show a vast gathering of public in front of the Cuttack Collectorate. There were also news about the meetings, processions and arrests all over Orissa on the same page.

94. *The Samaj Issue dated November 2, 1964 :*

- (a) On that date there was publication of news in bold headlines at the top covering columns 1 to 6 under the following caption :

“ BICHARA BIBHAGIYA TADANTA PAYIN SAKAKARA RAJI HELE :”

(Government agreed to set up a Judicial Commission of Enquiry)

That apart there were also on the same page other news about the students' agitation all over the State.

- (b) At page 2 of the paper there was also a publication of the news that Dr. Ram Subhag Singh, Union Minister of State had arrived in Bhubaneswar and he had started discussion regarding agitation and the political situation in Orissa. At page 4 of the issue, there was a news item that there was a meeting with Mr. Gobinda Chandra Misra on the chair where it was declared that student movement would continue until their demands were met. At pages 5, 7 and 8 there were also several items of news about the students' agitation at different places in Orissa including the incident of Jagatsinghpur where as a result of police firing, one student was reported to have been killed and another student and one local MLA injured.

95. *The Samaj Issue dated November 3, 1964 :*

There were several items of news on the front page in bold headlines under different captions including one about Mr. Nanda's concern over Orissa situation and his long discussion with the Congress President for restoration of normal conditions without allowing further deterioration of the situation. At page 2 of the paper there was publication of the views of the Union Minister of State Dr. Ram Subhag Singh before he left for New Delhi that Government should consider if the students had any grievance.

96. *The Samaj Issue dated November 5, 1964 :*

- (a) There was publication of a news item in bold headlines in the front page at the top to the effect that Congress people had no hand in the Orissa student movement—report by Dr. Ram Subhag Singh to the General Secretary, Congress after returning from Orissa. In the said news it was also published that there was serious discussion between the Prime Minister Mr. Shastri and Union Home Minister Mr. Nanda about the students' movement in Orissa.
- (b) There was also another item of news on the same page reported by the paper's own correspondent at New Delhi to the effect that Dr. Ram Subhag Singh had stated that the internal causes of the students' agitation in Orissa were that the Government was inefficient, unpopular and corrupt and some opposition parties were exploiting the situation.
- (c) On the same page at the bottom there was also a publication of a statement said to have been made by Acharya Harihar Das giving certain suggestions for solution of the problem.
- (d) On the same page there was another item of news regarding CBI report against some Orissa Ministers; it will be considered after All India Congress Committee session.
- (e) At other pages also there were several items of news about the students' agitation including the news of police firing at Binjharpur and one student reported to have been killed at the spot published at page 4. There were also two photographs published at page 5—one purporting to show that a furniture factory along with a car burnt by the excited mob at Bhubaneswar and the other showing some students of Jagatsinghpur after they were released from jail.

97. *The Samaj Issue dated November 6, 1964 :*

- (a) There was publication of a news item in bold headlines in the front page at the top under the following caption :  
 "END OF ORISSA STUDENTS' MOVEMENT"  
 In the said news it was also published that Government agreed to the students just demands and that

Students Council of Action had decided to withdraw their movement after their agreement with the Government.

- (b) There was further news at the front page that the Union Minister of State Dr. Ram Subhag Singh advised the Chief Minister of Orissa to release the arrested students and to bring peace.

98. *The Samaj Issue dated November 12, 1964 :*

There was publication of a news item on the front page in bold headlines at the top that Government had rejected the students' ultimatum; Chief Minister Mr. Mitra regretted that the students described the Government as liar, fraudulent and treacherous. At page 5 of the same issue there were news about the incidents at Binjharpur in details giving photos of the police station from where the police had fired, of Gayasuddin who was killed and of Dr. Radhagobinda Das, who was injured—both as a result of police firing at Binjharpur.

99. *The Samaj Issue dated November 13, 1964 :*

There was publication of a news item at the bottom of the front page stating Mr. Shastri's concern over Orissa and another item of news regarding allegation of corruption against the leaders of Orissa; decision over CBI report within a week. On the last page of the issue there was publication of a news that after the Government had rejected the students' demands, the Students Council of Action decided to start strike again. There was also a photograph purporting to show girl students of Sailabala Women's College picketing in front of the Buckley Girls' High School.

100. *The Samaj Issue dated November 14, 1964 :*

- (a) On the front page there were several news of student movement, widespread arrests all over Orissa, promulgation of 144 order in New Capital and at other places. There was also a photograph showing girl students of Sailabala Women's College and Practising Girls' School picketing in front of the Women Training School.
- (b) On the same page there was also news from New Delhi to the effect that it was certain that Enquiry Commission must be set up about the Orissa leaders.

- (c) On the last page there was an item of news publishing a statement of Mr. Banamali Patnaik, appealing to the Prime Minister and the President of the Congress to come to Orissa and solve the problem.
- (d) On the same page i.e. page 8, in the last column about the middle there was an item of news stating that there will be a meeting at Chandan Padia on November 14 under the presidentship of Mr. Biju Patnaik.

101. *The Samaj Issue dated November 15, 1964 :*

On the front page there were news items about the strike situation at Bhubaneswar and also about the students' meeting at Cuttack where several resolutions were passed including an allegation that Government broke the terms of agreement with the students. At page 2 of the paper, there was a statement by Pandit Nilakantha Das, about the misuse of powers under DIR.

102. *The Samaj Issue dated November 16, 1964 :*

- (a) There was an item of news in the front page in banner headlines covering columns 6, 7 and 8 about the meeting at Chandan Padia under the following caption :

“ **BIJUBABUNKA SABHARE TUMULA KANDA** ”

( Great tumult in Biju Babu's meeting )

At the top of this news item, there was a picture purporting to show Mr. Biju Patnaik, addressing the meeting at Chandan Padia. The news published under the said news item was to the effect that there were demonstration of black flag and protest at the meeting; the meeting could not proceed for a long time because of the agitation; many people were injured as a result of lathi charge and use of teargas by the police and due to rush at the meeting ; many respectable gentlemen including Advocates and journalists were grievously injured as a result of police action; in the melee there were stampede and skirmishes with Biju Babu; thereafter there was meeting with 300 people guarded by the police; advice by Biju Babu on the occasion of Pandit Nehru's birth day.

- (b) On the same page there was also publication of another news in banner headlines at the top covering columns 1, 2, 3, 4 and 5 under the following caption :  
 " SAMAGRA CUTTACK SAHARARE 144 DHARAJARI; "  
 ( Promulgation of 144 order in the entire city of Cuttack )
- (c) There were also other small items of news about the students' movement on the same page.
- (d) At page 4 of the same issue there was a statement of Mr. Binode Kanungo that it was impossible to remain in this State.
- (e) At page 5 there was a photograph at the top purporting to show the District Magistrate, the high police officials and police force inside the compound of the Medical College. Below the said picture, there was description of the incident as stated therein.
- (f) There were also other items of news on the page relating to the students' movement.

103. *The Samaj Issue dated November 17, 1964 :*

- (a) On the front page there were several items of news including the news about the strike at Cuttack and Bhubaneswar and also regarding the meeting of the guardians at Bhubaneswar.
- (b) At page 5 there was also a picture purporting to show Mr. Biju Patnaik, addressing the meeting at Chandan Padia.
- (c) On the same page there were publications of several statements by different prominent persons.

104. *The Samaj Issue dated November 18, 1964 :*

There were news at the front page in prominent headlines relating to the session of Parliament at New Delhi where great concern was expressed about the situation in Orissa. There were also news in banner headlines at the top of the same page covering columns 1 to 4 under the following caption :

" SHRI MITRA O SHRI PATNAIKANKA BIRUDDHARE ABHIJOGARA BICHARA :

KENDRA SARAKARA TANKA CHUDANTA NISPATI ASANTA MASA ARAMBHA BELAKU NEBA SAM-BHABANA".

(Consideration of allegations against Shri Mitra and Shri Patnaik; there is possibility of Central Government taking final decision towards the beginning of the next month:)

105. *The Samaj Issue dated November 19, 1964 :*

- (a) At the front page at the top a news item was published in banner headlines covering columns 1 to 3 under the following caption :

“PATNAIK O MITRANKA BIRUDDHARE ATI GURUTARA ABHIJOGA :”

(Very serious charges against Patnaik and Mitra :)

The news was to the effect that on the report of the Central Bureau of Investigation, the Union Home Minister has called for explanations from them on 150 questions ; it was also stated that the Central Police had unearthed many mysterious things ; it was also published in the news that there was a confidential direction to submit their written explanations within 20th November 1964.

- (b) On the same page there was also another item of news published in prominent headlines to the effect that Mr. Khera, Cabinet Secretary and Mr. Verma, Director of CBI had reported that the Orissa Government showed slackness in the matter of maintenance of law and order.

- (c) There was also another item of news published at the top covering columns 6 to 8 under the following caption :

“CHHATRAMANANKARA AU KOUNASI KATHA SUNAJIBANAHIN :

SEMANE CHUKTI BHANGA KARICHHANTI BOLI ORISSA SARA KARANKA ABHIJOGA :

SARAKARA CHUKTI BHANGA KARICHHANTI BOLI CHHATRA NETANKA OLATI ABHIJOGA O DHARMA-GHATA CHALU RAKHIBA PAYIN NISPATI :”

(No demands of the students will be heard any more : Orissa Government alleged that they have violated the terms of agreement : Student leader alleges that Government have broken terms of agreement and decision to continue strike :)

- (d) At page 7 of the issue there was a photostatic copy of the agreement stated to have been signed by the Chief Minister and the representatives of the students.

106. *The Samaj Issue dated November 21, 1964 :*

- (a) At the front page there was a publication of news in bold headlines at the top to the effect that Orissa affairs were discussed in the Central cabinet

meeting ; after receipt of explanations from Shri Patnaik and Shri Mitra it would be considered by the Central Council of Ministers ; it was certain that a commission would be set up to enquire into the charges ; there was discussion about the future of the Orissa Government.

- (b) On the same page, there were also news to the effect that six students were arrested for having violated order under Section 144 and that the names of two thousand students of the Ravenshaw College have been struck off the rolls.
- (c) On the second page of the issue there was a news item that stern action was being taken against the students who remained absent from classes.

107. *The Samaj Issue dated November 22, 1964 :*

- (a) There was a publication of news in the front page at the top to the effect that Union Home Minister will come to Orissa and after arriving at Bhubaneswar he will study the Orissa situation.
- (b) On the same page there was an appeal by Acharya Harihar Das for ending the students' strike published in banner headlines at the top covering columns 6, 7 and 8.
- (c) On the same page, there was a publication of photo purporting to show how the students who were on fast were breaking a hut in front of the Ravenshaw College.
- (d) At the last page there were two photographs in one block—one purporting to show that the police were active at Ravenshaw College chhak and the other showing police officers talking with the students.

108. *The Samaj Issue dated Monday, November 23, 1964 :*

- (a) On the front page, there was a news item about Mr. Nanda's arrival at Bhubaneswar. He was received by many prominent public men including the Chief Minister. Students also went there to receive him ; they were shouting anti-Government slogans and distributing some pamphlets
- (b) There was publication of another news item from New Delhi to the effect that Orissa affairs were

discussed in the Cabinet Sub-Committee ; that a decision will be taken after Nanda's return from Orissa who, it was said, would return on Tuesday following.

109. *The Samaj Issue dated November 24, 1964 :*

- (a) At the front page the main items of news were all in connection with Mr. Nanda's visit to Orissa. The news of Mr. Nanda's address within the Ravenshaw College campus was published in banner headlines at the top covering columns 1 to 5 under the following caption :

“CHHATRAMANE DESHA O JATI PRATI DRUSTI RAKHI NIJA KARTABYA NIRUPANA KARANTU :”

(Students are to decide their duty keeping in view the welfare of the country and the nation)

The news was to the effect that the Union Home Minister Mr. Nanda addressed a huge meeting of students advising them as above. In that connection, there was also a photograph prominently published at the top showing Mr. Nanda addressing the students.

- (b) On the same page at the bottom on the right hand side there was another photograph showing Mr. Nanda having discussion with students at Cuttack Circuit House.
- (c) On the same page there was also another news to the effect that there was important discussion about the student movement ; Mr. Nanda expressed his desire that the movement should end and the students should go back to their studies ; Mr. Nanda discussed with, among others, the President and the members of the Students' Council of Action. At the last page there was also a photograph showing that Mr. Nanda was having discussion with the medical college students.

110. *The Samaj Issue dated November 25, 1964 (news of November 24 were published) :*

- (a) Various items of news were published about Mr. Nanda's visit to Orissa including his message to the students of Orissa; students' decision to withdraw movement and about what Mr. Nanda said



at the Press Conference; it is said in the Press Conference Mr. Nanda gave hint to the Press representatives that enquiry into the conduct of the Orissa Ministers would be discussed by the Central Cabinet Sub-Committee the same evening after his return to New Delhi.

111. *The Eastern Times and the Prajatantra Publications :* In view of the position that these two newspapers are published by the same proprietor "Prajatantra Prachar Samiti" and edited by the same Editor Mr. Janaki Ballav Patnaik, the news items published in these two papers—the Eastern Times in English and the Prajatantra in Oriya—are almost the same both in contents and the manner of publication. News about the students' agitation and news against the Orissa Ministers with particular reference to the CBI report were prominently published, side by side, by these newspapers from day to day. They gave prominence in such a manner with a view to give emphasis to the news as they thought fit according to their own view of the importance of the respective news. These two newspapers also published Press Notes issued by the Government from time to time in connection with the students' agitation.

112. As the news materials were in substance the same as in the Samaj which have been discussed at length above, the Commission does not think it necessary to repeat these news items published in the Eastern Times and the Prajatantra.

113. The Commission went through these newspapers from page to page and formed the opinion that apart from the factual representation of the various incidents during the students' movement, the newspapers also criticised and commented on the alleged police excesses at different places; the news papers also criticised the Ministers including the then Chief Minister of the State in various items of news under different captions suggesting that the ministry was unpopular; at places they were described in rather pejorative terms purporting to lower them in the estimation of the public. At some places, they made caustic remarks against the ministers in local vernacular. In the news items against the ministers and the administration, there were also expressions of banter and sarcasm as would be apparent to any reader of the newspapers.

114. One significant feature of the publications in these two newspapers is that they did not give equal publicity to the

Press Notes and statements given on behalf of the administration as in the Samaj. Generally the Press Notes issued by the Government were meant to appeal to the students' organisations and public to take firm action themselves to prevent such hooliganism and assured Government's full support to them in controlling the situation. The Press Notes also requested the public not to be misled by wild tales of misbehaviour of official machinery when the administration took firm action to control hooliganism.

115. Thus, there were certain differences in the manner and the emphasis in the publications of news in different papers which they are perfectly at liberty to maintain according to their own view of journalistic ethics and public taste. For instance, for the same news different newspapers published it under different captions and in such manner and emphasis as they liked them to be presented before the public. In this connection, it must, however, be stated that each newspaper has its own views of giving relative importance to different items of news.

116. As regards the photographs, the Eastern Times and the Prajatantra also published certain photographs on almost similar themes as the Samaj.

117. *The Kalinga publications* : In course of the hearing it was submitted on behalf of the students and the public that the Kalinga publications were tendentious as against the students. It is said to be a *pro*-Government paper purporting to have justified the police and the administration generally in their action to tackle the agitation in the manner they did. The Kalinga also gave the news of the student movement presenting to the public the facts of different incidents at different places. It did not indulge in any adverse comments either against the ministers or against the administration in general.

118. The role of the Kalinga during the movement was objective dissemination of the news about the movement ; broadly stated, its publications did not appear to be distorted as alleged. In any event this paper had no appreciable impact either on the students or on the people one way or the other. But it appears that it was because of this objective approach of the newspaper to the movement and its association with Mr. Biju Patnaik that it was not liked by the students and the public ; it was reported that some of the Kalinga newspapers were burnt by the students and the public at some places.

119. *The Matrubhumi publications* : The publications in this newspaper did not call for any adverse comments ; this paper also published news from objective point of view giving the public the facts about the different incidents during the movement as they were reported to the newspaper by its representatives. It has the reputation of having been an independent paper. Its Editor is Mr. Gour Chandra Rout and it is published by Mr. Ramachandra Kar. From the nature and contents of its publications it appears that it played a fair role with no sides. It was noticed that there was no criticism or comment over publications of this paper in course of argument before the Commission.

#### F. Editorials

120. The editorials during the period in question in the different newspapers reflected their respective views on the current political situation arising out of the students' disquietude all over the State ; they also reflect the popular attitude to the Government of the time in their anxiety for an early solution of the problem. The newspapers condemned the alleged police excesses in different parts of the State ; they condemned the steps taken by the Government in handling the situation ; throughout, the newspapers sponsored the students' demand for setting up a Judicial Commission.

121. It is quite apparent from the tenor of the editorials that there was an undercurrent of a deep-seated grievance against the ministry then in office. In that connection, there were also references to the investigation by the CBI at the instance of the Central Government into the affairs of the Orissa ministers. Evidently, in the background there was this feeling against the Government. The then Government did not enjoy the good-will of any of the local newspapers except the Kalinga—of course the Matrubhumi did not take any partisan attitude on either side.

122. With this brief introduction to the general attitude of the press towards the student movement and the Government, the Commission wishes to deal briefly with the relevant editorials of the respective newspapers as hereinafter follows :

#### 123. *The Eastern Times Editorials* :

- (a) *The Eastern Times editorial dated September 30, 1964 under the heading "STOP THIS"* : This was an editorial making reference to the tense situation then obtaining in the Cuttack city and in some parts of Orissa resulting in some student-police clashes.

While broadly describing the incidents including the promulgation of order under Section 144 at Cuttack, Puri and Bhubaneswar and arrest of students, the editorial observed that lawlessness cannot be justified and it strongly condemned that. The paper however expressed the view that it was astounding that the Government should resort to excess in justification of what it described as leniency in the past or in other words, of dereliction of its duty ; it was suggested in the editorial that it was high time that it should cry a halt to this type of unbridled police action and think of measures which could restore peace and quiet in the educational institutions ; the Government should take the heads of the educational institutions more into confidence and let them not interfere in the affairs of these institutions in order to gain cheap popularity ; students should be dealt with tenderly and tactfully and no situation should be created where the students would become so frustrated as to join hands with common hooligans and behave like them.

- (b) *The Eastern Times* editorial dated October 11, 1964 under the heading "**NOTHING HALF HEARTED**" : After the Government of Orissa withdrew prohibitory orders under Section 144 from some of the towns of the State, the editorial commented that now that the Government has bowed to the public opinion by withdrawing the prohibitory orders under Section 144, Cr. P. C., they should follow it up by releasing the students and ordering an impartial enquiry into the entire incident. Unless that was done normalcy would not return to the educational institutions or Cuttack city or the rest of the State and once there is no normalcy in the educational institutions, the public mind was bound to agitate.
- (c) *The Eastern Times* editorial, dated October 27, 1964 under the heading "**THIS UNREALISTIC OUTLOOK**" : The editorial commented on the latest Government communique by which the Government characterised the students' movement as juvenile delinquency ; this, apart from the fact of further antagonising the students, did

not prescribe any adequate or reasonable treatment. The editorial further said that nowhere juvenile delinquency has been treated by strong repressive measures and threats of such measures. It always needs psychiatric treatment which the paper felt was more needed by those who were in authority to come to their senses. In the end, the editorial regretted that the Government did not appreciate the seriousness of the situation themselves and suggested that they should come forward to institute an impartial judicial enquiry into the whole affairs. If the Government thought that no police excesses were committed, they should not be afraid of judicial enquiry ; this situation could not be calmed down unless the aggrieved did not feel that some amount of justice was done to their demands ; the paper hoped that the Government should be more realistic in their attitude.

- (d) *The Eastern Times editorial dated October 30, 1964 under the heading "IRRESPONSIBLE ATTITUDE"*: The paper while stating that the situation in Orissa was fast worsening with curfew in Bhubaneswar after firing and serious disturbances in the town observed to the effect that it was not understandable what psychological satisfaction the Government got by maintaining such attitude ; will the heaven fall if the minimum demand of the students and the public for a judicial enquiry into the whole affair was ordered by the Government ; prestige of the Government was never built on sands ; it must be built on the solid rock of popular support or more precisely on demonstration of such support ; when there was popular demand disapproving the Government's stand, the Government would be wise to come down and accept the popular verdict ; if they did not do so, they would reap bitter harvest and leave a very unsavoury precedent for the future.
- (e) *The Eastern Times editorial dated October 31, 1964 under the heading "STOP PLAYING WITH FIRE"*: The editorial expressed regret that the State Government in a bid to curb the agitation of the students in the State resorted to firing in Berhampur, Jagatsinghpur and Bhawanipatna; four

persons were killed in Berhampur and Jagatsinghpur; teargassing and lathi charges were reported at many places; it was also noted that the State Government requisitioned the services of the army to help the civil authorities as the police would not be able to meet the situation; the paper gave a note of warning to the effect that it was a wrong and irresponsible approach on the part of the Government; many of the present rulers in Orissa sprang from students' agitation in the past; they must have been aware that a just and right agitation could not be curbed by a display of strength; the sound of rifles reverberates throughout the State, and democracy which values individual life cannot tolerate unnecessary bloodshed; nor will the people tolerate the police raj in the name of democracy; it was high time that the Government stop playing with fire; no sermonising in the name of law would be able to extinguish the conflagration already caused by the Government's mishandling of the situation; it was only a recognition of the just demands of the students and the sentiments of the people that could put a check to the situation deteriorating further and help in finding the solution to the present crisis.

- (f) *The Eastern Times* editorial dated November 1, 1964 under the heading "**POLITICAL SOLUTION NEEDED**": The editorial commented on the State Government Press Note describing the situation as very serious for which the services of the army were requisitioned; this students' agitation was not confined to students only; it took the shape of the mass movement; the State Government described the agitation as being carried out by unscrupulous and anti-social elements. The editorial however commented to the effect that although it was true that anti-social elements took advantage of the agitation, but to say that the agitation of that magnitude could be carried out by anti-social elements did not seem to be reasonable; even a strong political party by itself could not bring about such a State-wide agitation unless there was a popular basis for it; it was obvious that there was a great discontent prevalent among the people against the rulers and it found an outlet through the

students' movement to express itself. In the ultimate analysis, the paper suggested that the situation was not merely a law and order problem; it became a political issue and needed a political solution; Congress High Command and the Central Leadership should therefore find out a just remedy to the present crisis.

- (g) *The Eastern Times* editorial dated November 5, 1964 under the heading "LET THE CENTRE TAKE NOTE": It was commented that a corrupt administration could stoop to any level and it was not surprising that the Government of Orissa was accusing dissident Congressmen in the State of complicity in the present disturbances; when Dr. Ram Subhag Singh came to study the Orissa situation, frantic efforts were made to convince him that the students' movement was a dissidents' affair; in Delhi, General Secretary of the Congress Mr. Rajgopalan told the pressmen that Dr. Singh found nothing to prove that Congressmen were behind the movement in Orissa. In this context, the editorial further commented that the Government of Orissa was exposed for their failure to maintain law and order in the State as a result of which a very unpopular step of requisitioning the army and posting the army in different parts of Orissa was taken. The editorial further emphasised the position that open allegations against the then ministry were made from time to time which the Centre coldshouldered for a long time. While commenting on this aspect, the editorial referred to the CBI report thus:

"The Central Intelligence Bureau was given the responsibility of preliminary enquiry and now from all reports it is found that its findings had gone against the present Chief Minister and his colleagues. Over and above this, the people of Orissa in a thundering voice under the guise of the student agitation have told the Centre that as long as this administration lasts in Orissa, there cannot be any peace. Reports from all over Orissa show that the students' movement has taken the shape of a gigantic movement. Even in 1942 it was not so extensive as it is today. Students and some among the public have made the supreme sacrifice of laying down their lives. Hundreds of students and common people have courted jail and the echo is heard all over the State, even in distant villages. After all this, if the Centre does not take firm action, the people of Orissa

will have no other alternative than to conclude that it wants to shield deliberately and knowingly a very corrupt unpopular and tyrannical administration in the State taking advantage of the State's backwardness."

- (h) *The Eastern Times* editorial dated November 7, 1964 under the heading "**VICTORY FOR STUDENTS**": The paper congratulated the students for their victory in the struggle against the State Government on the four-point agreement reached between them and the Government; the editorial commented that the students' movement showed that the Central leadership could not allow a corrupt regime in Orissa to continue for long, merely because this State was backward. It was observed that the students deserved all thanks from the conscious public as also the people of Orissa for bringing to the focus the problems of the State before their countrymen.
- (i) *The Eastern Times* editorial, dated November 11, 1964 under the heading "**FAR FROM NORMAL**": The editorial commented on the unfortunate reports received from various parts of the State that repressive measures of the Government were in full swing; in Binjharpur many respected people of the area were hiding for fear of arrest; in Jagatsingpur many students complained that they were still being harassed by the police and in villages near about Jagatsinghpur people were living in mortal fear of police reprisal; in Sambalpur student who were released on bail were treated as common criminals and were asked to appear before the police station every day just as thieves on parole. The paper expressed the apprehension that if this state of affairs continues any longer, the movement will flare up; in many schools and colleges the students were reported to be resenting the repressive measures of the Government and were restive; the Students Council of Action at Cuttack was reported to have sent an ultimatum to the Chief Minister to honour his promises; it was really a pity that a democratic Government should function in such a slipshod manner and allow things to drift.
- (j) *The Eastern Times* editorial dated November 17, 1964 under the heading "**UNFIT TO LEAD**": With reference to the incident at Chandan Padia, the



editorial commented that for a political leadership tactful handling of a tense situation rather than police measures was what was needed most; it was also commented that in course of the meeting held by Mr. Biju Patnaik, hundreds of people have been injured by lathi charge and some of them were old and aged; it was such a horrible tale that its echo was still being heard in many an innocent home of the city; the paper regretted that it was such a tactless and unfortunate handling of the situation that it served the cause of Mr. Patnaik the worst and created an impression which, according to the editorial, would take a very long time to be effaced that Mr. Patnaik and his supporters were not fit to be the leaders of a democratic society.

- (k) *The Eastern Times* editorial dated November 19, 1964 under the heading "**THE CENTRE'S ATTITUDE**" : The editorial commented on the Centre's inaction on the preliminary findings of the CBI in regard to the Orissa Chief Minister and the Chairman of the Planning Board; the paper said that it was hoped that the Union Government will face the Parliament with a clean conscience in regard to Orissa; the paper brought to lime-light through its editorial that the final decision on the course of action to be taken in regard to the opposition charges against some of the Orissa leaders will emerge only early next month; in the meanwhile processing of the CBI report on its preliminary enquiry into Orissa affairs will be completed and answers to certain questions framed on the basis of the report will be received from the two Orissa leaders; the paper further commented that this clearly shows that the Union Government was indecisive and wavering about Orissa; in fact in no other State so many enquiries were made into the allegations against the top leaders as in the case of Orissa. The relevant portion of the editorial with particular reference to these detailed aspects is this:

" First there were enquiries made by the Auditor General into the deals of Orissa Agents and Kalinga Industries with the Orissa Government. Then came the comprehensive enquiry by the Central Bureau of Investigation. A preliminary report of about a hundred pages was submitted by them followed by a more comprehensive report.

The Centre is also doing injustice to those very leaders against whom charges have been framed, but actions are not being taken. They feel accused and cannot function properly which is quite natural. Either the accused should be clear of the charges or punished. It is really surprising that the leadership of a vast country should feel so helpless in matters of urgent decision."

This editorial clearly shows the general public attitude against the Orissa ministers and the then Government. Evidently this aspect of their unpopularity was given special emphasis by the press both in their news items as also in their editorials, a specimen of which is quoted above.

- (l) *The Eastern Times* editorial dated November 22, 1964 under the heading "**NEED FOR TALKS**" : The paper deplored the attitude of the State Government towards the students' movement; it was regretted that the Government adopted a close-door policy in that regard. The paper expressed the hope that the State Government would take steps to bring about a speedy solution to the present crisis; otherwise it might turn out to be more complicated than what it is now and the State Government would have to bear the consequences.
- (m) *The Eastern Times* editorial, dated November 25, 1964 under the heading "**WELCOME DECISION**" : The paper welcomed the decision of the Students' Council of Action withdrawing the fifty-eight-day old movement in response to Mr. Nandas' appeal; the paper expressed that there will be general relief because students withdrew the strike; it expressed the hope that the students as well as the State Government would act up to the advice of the Union Home Minister.
- (n) *The Eastern Times* editorial dated November 26, 1964 under the heading "**ORISSA—A TEST CASE**" : It appears that the editorial comments that the main problem, of which the students' dispute was a minor upshoot, still remains to be solved—whether the present leadership should be allowed to continue. The editorial observed that the break-down of the administrative machinery, which became easily evident in the students' movement was not a sudden development; it was a culmination of a process

which has begun three years back. The editorial stressed that unless quick steps were taken by the Centre to remedy the situation, the public were sure that, in the absence of administrative stability and a clean political life, the situation here would worsen day by day. Ultimately the editorial stressed on the urgency of the central probe into the affairs of Orissa ministers; on Government level there could not be any other course than a CBI probe into charges against ministers; besides in Orissa such probe was made with the consent of the Chief Minister; if corruption was to be rooted out from this country as the Home Minister promised and staked his public life on it, bold decisions were required to be taken irrespective of who the victim was; Orissa was a test case for the Congress leadership and for the leadership of the country; on it depended what sort of public life this country was going to have.

124. The Commission carefully considered the general spirit and tenor in which these editorials were written. While relying on the current events of the time, the editorials generally criticised the police, the administration and the then Government, made adverse comments on the affairs of the particular ministers of Orissa. In so doing, they stressed on the Centre taking action against the Orissa ministers on the basis of the CBI report. It was also clear from these editorials that the main problem was whether these ministers would continue to remain in office; the students' movement evidently sponsored by some interested members of certain political parties was used as the means with the ultimate object of making the party in office further unpopular.

125. *The Prajatantra editorials :*

- (a) *The Prajatantra editorial dated September 26, 1964 under the caption "PARISTHITRA ABASANO HEU" (Let there be an end of the situation) :* The editorial supported the demand for setting up of the Commission to enquire into the affairs of the Orissa ministers on the basis of the report after investigation by the CBI which was said to have been still going on. The editorial attacked the Chief Minister Mr. Biren Mitra and Mr. Biju Patraik, Chairman of the State Planning Board.

It expressed the feelings of the public against the Chief Minister and it showed bitter resentment of the public against the then Government.

It is significant that the radio shop incident took place on the very day this editorial against the Government came out in the paper.

- (b) *The Prajatantra editorial dated September 30, 1964 under the heading "A JULAM BANDO HEU" (Let this Julam be stopped) :* This is an editorial regretting the closure of colleges and schools two or three days before the scheduled Pujah vacation; the editorial characterised the Press Note as a threat to the students that those involved in the movement would not get Government service; that these were methods which the British used in the old regime and it was suggested that the Government should realise its responsibility in these matters and act accordingly.
- (c) *The Prajatantra editorial dated October 2, 1964 under the heading "EPARI KETE DINA CHALIBA" (How many days like this) :* In the editorial it was stated that the Government in their statement in the Assembly were misrepresenting the facts inasmuch as the Home Minister Mr. Nilamani Routray stated on the floor of the House that there was no entry by the policemen into the Ravenshaw College compound and that the situation was normal. It was commented in the end that if, in fact, the situation was normal, then one wonders why order under Section 144 was still in force in the Cuttack town and further that the police were posted at different places; the paper also commented that Government had the responsibility to restore normal conditions.
- (d) *The Prajatantra editorial dated October 3, 1964 under the heading "BICHARA BIBHAGIYA TADANTA" (Judicial Enquiry Commission):* In the editorial reference was made to a statement said to have been made by the Chief Minister that 'it was not the policy of the Central Government to set up Judicial Commission and they refused to set up such commissions for investigation into the disturbances at Rourkela and Bhillai'. On this statement, comment was made that the Chief

Minister instead of misconstruing the policy of the Central Government should set up a Judicial Commission for enquiry into the students' disturbances or if he has any strong grounds for not setting up such Commission, he should place them before the public.

- (e) *The Prajatantra editorial dated October 4, 1964 under the heading "KALA KSHEPANA NUHENTA" (Is not this delaying) :* In the editorial reference was made to a news from Delhi that the Prime Minister Mr. Shastri stated before the Congress Parliamentary Committee that the preliminary investigation by the police into the affairs of the Orissa Ministers was still going on. It was commented that the Central Government were adopting delaying tactics in this matter. The editorial further mentioned that it was learnt that Mr. Biju Patnaik and Mr. Mitra were putting obstruction in the investigation by the CBI; it was also commented that if that was so, then there will not be only be delay of one month but for months indefinitely. Therefore, the paper suggested that whatever decision was to be taken should be taken as early as possible so as to remove the impression in the mind of the public that the Central Government were taking dilatory tactics.
- (f) *The Prajatantra editorial dated October 11, 1964 under the heading "SARAKARTHIKANA BATAKU ASANTU" (Let Government come to the right path):* The editorial while welcoming the Government's decision to withdraw order under Section 144 commented that the Government have realised that this 144 order could not be enforced without resorting to force. The editorial suggested that the Government should set up a Judicial Commission so that it might be found out as to who committed excess; it was a demand by the opposition that the Government should accept it without exhibiting any intolerance or unreasonable attitude, because in parliamentary democracy, the views of the opposition should be respected.
- (g) *The Prajatantra editorial, dated October 25, 1964 under the heading "A MANO BRUTTI CHHADA" (Give up this attitude) :* In it reference was made

to the long expected Press Note. It mentioned that the movement was already going on for one month and it spread all over Orissa; so instead of solving the problem the issue of a Press Note threatening the students was a thoughtless action; it was stated that the Government should remain impartial; if a Commission is appointed then it would be found as to who was to blame; there is no reason why the Government should be afraid of it; it is hoped that the Government will act according to the public opinion; give up the late Gadjati ways and let not the Government hesitate to take such actions as to bring normalcy in the educational institutions and the State.

(h) *The Prajatantra editorial dated October 27, 1964 under the heading "SARAKARI NETRUTWARA KARTABYA" (Duty of the State Leadership) :* It was regretted that the Government had adopted a delaying policy in not taking any steps for solution of the problem; it was pointed out that this paper formerly wrote and was again repeating that the Government should remain impartial. The paper suggested that the State Leadership while remaining impartial should accept the popular demand; release the arrested students; withdraw all charges against the students and clear the way for bringing about a peaceful atmosphere.

(i) *The Prajatantra editorial dated October 30, 1964 under the heading "KI PARAMPARA SHRUSTI HEUCHHI" (What tradition is being built up) :* It was regretted that by reason of the obstinate attitude of the Government, a critical situation has arisen in the State; the student agitation at Bhubaneswar had assumed the character of a mass agitation. The paper appealed to the Government to take a reasonable attitude and set up a Commission and release the arrested students. In a democracy either the Government accepts the popular demand or it resigns; the Orissa Government is not doing either; the Government should realise what kind of tradition they are building up by this attitude.

(j) *The Prajatantra editorial dated October 31, 1964 under the heading "SARAKARA SABDHAN" (Government beware) :* There is a reference to the

firing by the police at Bhubaneswar and also to firing at other places. The editorial concludes by warning the Government that they are to reap the terrible consequences of the fire they are themselves kindling.

- (k) *The Prajatantra editorial dated November 1, 1964 under the heading "A ROGARA NIDAN" (Cause of this disease) :* There is mention of the news that Dr. Ram Subhag Singh was sent by the Central Government to study the Orissa situation; the version given by the Government in the Press Note that the activities relating to the students' agitation are done by anti-social and lawless elements is unbelievable and without foundation. The editorial concludes by commenting that this malady in Orissa administration cannot be cured by any pill; it has become serious, for it an operation is necessary.
- (l) *The Prajatantra editorial dated November 3, 1964 under the heading "SADBUDHI FERİ ASU" (Let good sense return) :* It referred to the Press Note by which the Government accepted the students' demand for setting up a Judicial Commission. In the end the paper pleaded for the release of the arrested students from the jail and appealed to the Government accordingly and wished that good sense might return to the Government.
- (m) *The Prajatantra editorial dated November 5, 1964 under the heading "GANA BIKSHYOBHARA DABI" (Demand of the mass upsurge) :* It was explained how the Government plea that the dissident Congressmen were behind this movement was found to be not correct; in fact the Central Government sent Dr. Ram Subhag Singh to investigate this aspect of the question and he gave the view that the student movement was a people's movement by way of general upsurge against the then Government; Dr. Ram Subhag Singh reported that the people had no confidence in the corrupt Government. In the end, the paper appealed to the Central Government to take action against the corrupt Government otherwise people will form the view that the Central Government was supporting an oppressive and corrupt Government.

- (n) *The Prajatantra editorial dated November 6, 1964 under the heading "ABHINANDANIYA" (To be welcomed)* : It congratulated the students for their success in the cause which others could not do. This was immediately after the agreement was signed between the students and the Chief Minister. In the end, there was repetition of the best wishes expressed by the paper to the students, because it was they who placed Orissa's cause before the whole country.
- (o) *The Prajatantra editorial dated November 11, 1964 under the heading "SARAKARA KAAH CHAHANTI" (What does the Government want)* : The paper expressed regret that although it was expected that normalcy would be restored in the State after the movement was withdrawn, news was being received from different places about the police excesses. It also mentioned that the Students Council of Action gave ultimatum to the Government in this respect; this was not a good sign. The paper wished that good sense might prevail on the Government and they might stop all actions which obstruct the return of the normal conditions.
- (p) *The Prajatantra editorial dated November 15, 1964 under the heading "KENDRA SARAKARA KAAH KARU CHHANTI" (What the Central Government is doing)* : The paper regretted that the Central Government were overlooking the situation which developed in Orissa. It also said that in spite of the report of Dr. Ram Subhag Singh, the Central Government officials, the Cabinet Secretary and the Chief of the Central CID, the Central Government did not take any immediate steps against the Orissa Ministers. It was commented that possibly the Central Government was under the impression that these corrupt Orissa Ministers would leave office of their own but the Central Government does not know that these Orissa Ministers have no sense of self-respect. The paper also wished that the Central Government would take immediate action without delay.
- (q) *The Prajatantra editorial dated November 17, 1964 under the heading "ACHINTANIYA KANDA" (Inconceivable affair)* : The paper referred to the meeting at Chandan Padia as an inconceivable



affair. The paper commented that Mr. Biju Patnaik was certainly holding the meeting with the best of intentions, but the purpose of the meeting failed because of the manner in which he acted, and the people formed the impression that this meeting was held with an ulterior object.

- (r) *The Prajatantra editorial dated November 19, 1964 under the heading "FER FURR" (purporting to mean an unending tale) :* The paper mentioned the news that the CBI was making further investigation into the affairs of the Orissa ministers; that the matter would be further considered after receiving the explanations from Mr. Biju Patnaik and Mr. Biren Mitra. In this context, it was commented in the editorial that it was evident that the Central Government was not able to make up its mind and was delaying matters on some pretext or another. The paper also commented that if there was no evidence then the accused persons should be acquitted of the charges or if there was evidence they should be punished; by reason of the Central Government not having taken any decision, the Orissa ministers are not in a position to run the administration properly.
- (s) *The Prajatantra editorial dated November 21, 1964 under the heading "A DUARA KILA NITI KAHINKI" (Why this close-door policy) :* There was reference to a member of the Citizens' Committee having gone to the Chief Minister for discussion, but the Chief Minister is stated to have refused to have any discussion with him saying that the students have broken the terms of agreement. On the other hand, the students' version is that the agreement between them and the Chief Minister was neither published in the form of a Press Note nor was it honoured by the Government. The paper commented that one way of solving the problem was discussion by way of negotiation; there was no sense in getting angry with the students. Ultimately the paper warned the Government that they would have to reap the consequences if the situation further deteriorated.

- (t) *The Prajatantra editorial dated November 25, 1964 under the heading "SWABHABIKA ABASTHA FERAI ANA" (Bring back normalcy)*: The paper welcomed the news of withdrawal of the students' fifty-eight-day-old strike. In the end it was desired that all concerned—Orissa Government, the Heads of the administration, the Executive Officials and Police officers—would accept this settlement in the proper spirit as mentioned in the editorial.

126. *The Samaj editorials :*

- (a) *The Samaj editorial dated September 30, 1964 under the heading "BIPAD GHANTI" (Warning of danger)*: While condemning the students' disturbances at different places and the repressive measures by the Government it expressed that it was a bad sign for the country. The paper observed that this was not a moment for getting excited; there was no doubt that all peace-loving citizens would be deeply concerned about this. In the end it appealed to the students, public and the Government—for the students to refrain from the agitation and authorities to stop repressive measures—and appealed to all to exercise restraint for the sake of peace and discipline.
- (b) *The Samaj editorial dated October 9, 1964 under the heading "SASANA O JANAMATA" (Administration and the public opinion)*: It held both sides responsible for the situation which had developed out of the student-police clash and quoted a learned Judge-Jurist of England having said thus :

"Politics is not the same thing as law, but in modern England any revolution in political ideas is certain to correspond with alterations in legislative opinion."

It was commented that the Government was complicating the situation by ignoring the people's demand for withdrawal of 144 order and setting up Judicial Commission; that the action of the opposition in boycotting the Assembly and the fact of the continuance of the agitation were not conducive to the working of a disciplined democracy in this country.

- (c) *The Samaj editorial dated October 29, 1964 under the heading "SIKSHYA O SASON" (Education and administration)*: It observed that there was a regrettable situation in the field of education caused

by the closure of the schools and colleges by the authorities ; by reason of such closure the students were getting more opportunity to indulge in agitation and other activities ; that if the Government had appointed a Judicial Commission then the situation would not have deteriorated to the extent it did ; that accordingly the Government should find out a way for solution of the problem. In the end it wished that all is well that ends well.

(d) *The Samaj editorial dated November 3, 1964 under the heading "CHHATRA ANDOLANARA SAMADHAN" (Solution of the students' movement) :* In course of giving a comprehensive view of the entire situation from several aspects as discussed therein the editorial wished the Government, the public and the students to appreciate the indications given by Dr. Ram Subhag Singh for settlement of the problem ; that the situation will calm down if the arrested persons are released and thereby law and order respected.

(e) *The Samaj editorial (allegorical) dated November 6, 1964 under the heading "ANDHARARE ASA ALUARE JAO" (Come in the dark and go in the light) :* It referred to the four-point agreement arrived at between the students and the Chief Minister. The paper noted the coincidence of the date of the agreement with the Dipabali date of the year November 6, 1964. In the end the paper wished that this agreement would make an end of all sorrows and troubles and restore peace and order.

(f) *The Samaj three-column editorial dated November 11, 1964 under the heading "CHHATRANKA ASANTOSH" (Discontent among students) :* It gave the entire picture of the Government from the beginning. The main points brought out in the editorial, as translated into English, are shortly stated these :

(i) The editorial begins by stating how a petty dispute between the radio dealer and a student customer in Cuttack town developed into a mass student movement from September 26 and how it assuming the shape of a mass movement spread throughout Orissa.

It also stated how it was not possible to unravel the whole secret and the causes of the movement; so from the very beginning there was demand for a Judicial Commission of Enquiry. This demand was approved by all sections of the public. If the Government authorities realised and appreciated the attitude of the students and the general public, took a lenient attitude and conceded to the demand for a judicial enquiry, the matter might have come to an end there. But when that was not done, there was natural discontent in the stifled mass, anger, resentment and deep dissatisfaction with the then ministry—all in sympathy for the tortured students.

- (ii) It described the deplorable state of affairs at the College Chhak on September 27 and 28 as to how there was excitement both on the side of the students and the police which exceeded all limits.
- (iii) The editorial noted that it was not that there was no throwing of stones or harsh words from the side of the students; but the strong measures taken by the police by way of wreaking vengeance on the students only fanned the bitterness with the result that the agitation assumed huge dimensions, even small children of teen age threw themselves into the movement heart and soul; even young girls also did not hesitate to come forward in the agitation.
- (iv) That there was public support for the movement is apparent from the fact that office employees not only watched the huge procession of the students with interest giving up their work, but lent their moral support to it. That apart, public men in hundreds and thousands also joined the procession; it is said that at almost every place, the agitation was peaceful.
- (v) It was however alleged that at certain places stone throwing and persistent attempts by the students to break the law and enter office compelled the police to take recourse to the

use of teargas, lathi charge and firing; in these firings at different places, five men including students are stated to have been killed and several others injured.

- (vi) The normal rule that firing on the indisciplined mob is to be aimed below the waist was not followed by the police in that at some places, the police fired bullets which hit the victims either on the chest or on the head; as a result of all these deplorable incidents, the students' movement became more intense, and at different places it appeared as an open revolt against the administration.
- (vii) The editorial regretted that the Government Press Notes about the incidents revealed what they stated were travesty of truth which shook the confidence of the public; it commented that it cannot be ascertained as to why and under what circumstances, there was this movement unless and until there was a thorough enquiry into the causes.
- (viii) As regards the role of parents and guardians the editorial mentioned that when the situation was as stated above some thoughtful guardians, including ladies and gentlemen, made efforts for solution of the problem; in fact, it was through their mediation that the Students Action Committee met the Chief Minister; thereupon they agreed to a solution and accordingly there was a written agreement with four conditions, namely,—setting up of a Judicial Commission of Enquiry; granting of compensation for the loss of life and property sustained during the agitation; no punishment by way of victimisation; no action against the students on false and baseless allegation. It was also alleged that there was an understanding for release of all prisoners in connection with the students' agitation.
- (ix) Although in pursuance of this agreement some students were released still there were some more left; it was said that even after this agreement police arrested some more

students and still continued the same; from news received from different quarters, it was learnt that the minds of the students were again agitated over this.

- (x) People in general found comfort in that the agitation subsided and the students would be attending their classes regularly, but the further arrests by the police led the Students Action Committee to give an ultimatum to the Chief Minister.
- (xi) It was commented in the editorial that after this decision of settling the dispute, the Government did not choose to publish it in a Press Note although it was done by the Students Action Committee; it was further observed that even the Communique which was issued by the Government did not contain clearly the conditions of the compromise nor did it bear the signature of any officer of the Government; indeed if no Press Note was given according to the rules, the concerned authorities could not work according to it.
- (xii) In this situation, the public and the students were left in the dark about the intention of the Government as to whether they will release all the arrested persons or not. The fact that there were fresh arrests necessarily created doubts in the minds of the people; the hostile reaction to this attitude of the Government created in the minds of the students was likely to make the matter more complicated. The editorial commented that it was learnt that the Students Action Committee gave an ultimatum to the Government.
- (xiii) In the last portion, the editorial concluded with an expression of hope that the Government, the well intentioned guardian representatives and responsible student community would all appreciate the seriousness of the situation and try to implement and observe the conditions of the agreement and thus lend a helping hand

in bringing back peace and amity in the State; if any party tried to hoodwink the other under a jugglery of words, then all the previous honest efforts would fail.

- (g) *The Samaj editorial dated November 17, 1964 under the heading "GANATANTRA O AIN SHRUNKHALA" (Democracy and law and order) :* This is a well-written editorial wherein reference was made to the meeting held on November 14, 1964 at Chandan Padia under the presidentship of Mr. Biju Patnaik and another meeting on the same date at Gopabandhu Park sponsored by the opposition party. The subject-matter of the meeting at Chandan Padia was about the "Duty of the public and the guardians in this situation". The editorial regretted that there was an appeal to the people by the students not to go to the meeting at Chandan Padia whereas in the meeting held at Gopabandhu Park by students there were speeches for about three hours and there was no disturbance at that meeting, everybody expressed their own views without being disturbed; but unfortunately the meeting at Chandan Padia was broken by the demonstrators; there would have been no harm if the students and the public had listened to the speeches at the meeting at Chandan Padia without creating disturbance; in a democracy, the ruling party and the opposition always work together; one respects the other; both follow normal rules of public life; democracy fails if there is no opposition; these opposition parties are opposed to one another only politically; the students do not form an opposition party against the Government ; it is not desirable for the students to claim the same rights and privileges as of a political party, because, if the Government by any party falls, it is the opposition party which is to take its place and run the Government if there is public support for it; if the Government falls, the students cannot run the administration; the students have no right to run opposition movement with a political motive which the opposition political parties have.

- (h) *The Samai editorial, dated November 18, 1964 under the same heading "GANATANTRA O AIN SHRUNKHALA" ( Democracy and law and order) :* It indicated therein what Pandit Nehru had said about how the Congress Government should behave with the people and the opposition parties; it also quoted from Nehru as follows :

" Congress Ministers should avoid, as far as possible, all coercive processes and should try to win over their critics by their actions and where possible, by personal contacts. Even if they fail in converting the critic or the opponent, they will make him innocuous, and the public sympathy, which almost invariably goes to a victim of official action, will no longer be his. They will win the public to their side and thus create an atmosphere which is not favourable to wrong actions."

The editorial also quoted from Pandit Nehru expressing the view that in case of breach of peace, law and order, it will be necessary to curb it by stern measures and what he said in this context was also quoted in the editorial as follows :

" No Government can tolerate the preaching of violence and communal strife and if this unfortunately takes place, it has to be curbed by having recourse to the coercive processes of the ordinary law."

The editorial regretted that the ministers of Orissa were not able to win over the emotional students, what to speak of critics or opposition parties. In this context, the editorial also quoted Mahatma Gandhi having said thus :

" Power politics should be unknown to the students-world. Immediately they dabble in that class of work, they cease to be students and will, therefore, fail to serve the country in its crisis."

" Students should have the greatest freedom of expression and of opinion. But, in my opinion, they may not have freedom of action whilst they are studying."

In the light of these ideals set by Mahatma Gandhi and Pandit Nehru as quoted above, the editorial appealed to the students to place all their grievances to the authorities, mediators, guardians and teachers, who after considering their grievances, would advise which is right and which is wrong; the Government also should keep their promises fully.



- (i) *The Samaj editorial dated November 24, 1964 under the heading "SRIJUKTA NANDANKA UPADESH" (Shri Nanda's advice):* It was in the context of Mr. Nanda's visit to Orissa and his advice to the students. The paper expressed a hope that there would be end of troubles in Orissa and that the Government and the students would act according to Mr. Nanda's advice.
- (j) *The Samaj editorial dated November 25, 1964 under the heading "DHARMAGHATARA ABASANA" (End of strike) :* The paper appreciated the actions of all who made efforts in bringing about the solution of the problem and also made reference to what Mr. Nanda had advised the students and all concerned. The paper also expected that everybody should co-operate with each other and bring about the solution of the problem.

#### 127. *The Matrubhumi editorials :*

- (a) *The Matrubhumi editorial dated September 29, 1964 under the heading "ASHOBHANIYA KARYA" (Unseemly action) :* The paper referred to one Press Note issued by the Government about the students' movement. It condemned the conduct of the students indulging in violence in the manner they did at the radio shop ; the paper also condemned the action of the radio dealer who is alleged to have taken a handnote from the student under threat ; it appealed also to the police not to take any revengeful action against the students out of anger and the students should be persuaded to come to the right path.
- (b) *The Matrubhumi editorial dated September 30, 1964 under the heading "KAH PANTHAH" (What way) :* This deplored the student indiscipline ; that normal life in Cuttack and Bhubaneswar was disturbed by reason of the troubles ; that there was lawlessness in some places ; it suggested that appointment of Judicial Commission was the right way of solving the problem. The paper expressed its strong belief that Government should act in the mannner as

suggested above in order to clear themselves of all charges and to establish their impartiality and justice.

- (c) *The Matrubhumi editorial dated October 20, 1964 under the heading "ATI SARBATRA BADHATE" ( Too much of anything is bad )* : It was stated that the main duty of students was to mind their own studies because they are the future leaders of the country ; therefore it was natural to expect of them to restrain themselves in their behaviour and to respect law and order ; now that the Citizens' Committee and the general public have taken up the matter, it is no longer necessary for the students to indulge in strikes, otherwise the students will lose public support ; therefore it was hoped that students would dissuade from the movement and the Government will also do their best to take action for immediate solution of the problem.
- (d) *The Matrubhumi editorial dated October 27, 1964 under the heading "SAMADHANA LODA" ( Solution needed )* : The paper while criticising the action of the students and the Government, advised that the students and the Government should give up their respective attitude of obstinacy, the leaders and the members of the political parties who are taking advantage of this situation should keep themselves aloof, otherwise public will not tolerate this.
- (e) *The Matrubhumi editorial dated November 6, 1964 under the heading "APOSA SAMADHAN" ( Amicable settlement )* : The paper welcomed the agreement arrived at between the students and the Government. It expressed the hope that after the re-opening of the educational institutions, the students will regularly attend to their studies ; and the Government and students will pay due regard to the agreement reached between them ; thus who will be found guilty by the Enquiry Commission they will be adequately punished ; those who have been killed or injured as a result of police action should be given due compensation.

- (f) *The Matrubhumi editorial dated November 24, 1964 under the heading "NANDANKA UPADESH" ( Mr. Nanda's advice )* : The paper referred to the news of Mr. Nanda's arrival in Bhubaneswar and his having given advice. The paper hoped that the students will give up strike and will follow up his advice, join classes and mind their own studies.

128. *The Kalinga editorials* : The attention of the Commission was not drawn either on behalf of the administration or on behalf of the students and public to any of the Kalinga editorials in connection with the students' movement. Therefore, no comment is called for on their publications.

### G. Findings of the Commission

129. On a careful analysis of the news items and the editorials, in the different newspapers as discussed above, the Commission finds :

- (a) that there is nothing in the news items to show that any newspaper in their publications went against the standards of journalistic ethics or public taste ;
- (b) that in the matter of presentation of the news before the public about the incidents during the students' agitation, different newspapers published them in such manner, with such emphasis, in such headlines, slant and with such contents which they each wanted to publish them ; it was entirely a matter of taste and discretion of the press ;
- (c) that having regard to the freedom of the press it was open to the newspapers to lay such emphasis on the importance of particular items of news according to their own view and taste ;
- (d) that there were certain differences in the manner and the emphasis on the publications of news in different papers which they were perfectly at liberty to maintain according to their own view of journalistic ethics and public taste ; for instance, for the same news different newspapers published it

under different captions and in such manner and emphasis as they liked them to be presented before the public ; each newspaper has its own view of giving relative importance to different items of news ;

- (e) that in the editorials—some of them well-written—they expressed their own opinion which they were entitled to do ; the editorials were generally balanced and played a helpful role in restoring normalcy, bringing about improvement in the situation and ultimately peace ;
- (f) that the assessment by the press of particular aspects of the situation as developed from time to time was entirely a matter of opinion and discretion of the respective newspapers ;
- (g) that in the matter of making allegations, charges, comments, insinuations and suggestions, the newspapers were at liberty to do so and they did it at their own risk as to the consequences of the law in particular instances, if any ;
- (h) that in the ultimate analysis, there is nothing in the publications—news and editorials—of the different newspapers so as to call for any adverse comments on the role of the press in Orissa as a whole during the students' agitation September—November, 1964.

## CHAPTER XXII

### THE ROLE OF THE POLITICAL PARTIES IN THE STUDENTS' AGITATION

	Paragraph		Paragraph
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## INTRODUCTION

Under the second term of the reference, the Commission is required to enquire into and report on the role of, among others, the political parties in the students' agitation. The principal political parties operating in Orissa are the Samyukta Socialist Party, Communist Party of India, Swatantra Party, Bharatiya Jana Sangha and the Congress including the individual Congressmen, as some factors in the ruling group, who were opposed to the then Congress ministry.

### A. Case of the public and students

2. An affidavit was filed on behalf of the Communist Party of India (Orissa Branch) through the Secretary Mr. Gurucharan Patnaik who submitted that although the Communist Party of India did not launch the students' movement, it was drawn into it as the police and the official administration overstepped the bounds of law and attacked the people while they exercised their rights guaranteed under the Constitution.

3. As will appear from the minutes of the proceedings before the Commission, the Communist Party of India at Cuttack was represented by learned counsel appearing for them, as recorded in Order No. 2 dated February 27, 1965.

4. Mr. Nishamani Khuntia as Secretary of the Orissa Citizens' Committee on behalf of the 'citizens of Orissa also filed an affidavit. Although he covered a wide range of

topics, yet he did not state that the SSP or himself as the provincial Secretary of the party did not play any role during the movement ; in his affidavit he is silent about the alleged role of the political parties in the students' agitation.

5. Among the student leaders who filed affidavits and gave evidence, Mr. Promode Chandra Samantarai, President, S. C. B. Medical College Students' Union stated thus:

“ Political parties were nowhere in the picture in the whole agitation. Of course persons belonging to different political parties had actively voiced their demands for the fulfilment of the students' demands, but that in their individual capacities.”

6. The tenor of the evidence of Mr. Promode Chandra Samantarai shows that although he was conscious of the role the political parties played during the students' agitation, he was hesitant to say so. It is clear from his evidence that some of the student leaders who were members of the Students' Central Council of Action belonged to PSP. The relevant portion of his evidence, which will speak for itself, is set out below:

Q. 632 Do students generally belong to or align themselves with any particular party or parties in Orissa.

A. They do not belong to but they are aligned to some parties.

Q. 633 Therefore, may I take it that the political views of the students are according to the views of the particular political party to which they are respectively aligned. Must be so.

A. Must be so.

Q. 634 How many members were there in the Central Council of Action.

A. As far as I remember, there were 26 members.

Q. 642 How many of these 26 are aligned to political party.

A. About 50 per cent are aligned to political party.

Q. 644 Therefore out of 26, 13 had political affiliations.

A. Your Lordship, political affiliation leaving aside the minutes of strike. So far as strike was concerned to the best of my knowledge, they were not showing any attitude as if being governed by any political parties. So far their personal life or business is concerned they might be of which official records I do not have.

Q. 684 I put it to you that in October and in November up to third week until you decided to call off the movement they had full support for your movement. Is it correct.

A. Incorrect your Lordship. I have already stated that they were all along till the strike was called off supporting the cause of the movement but not the movement itself. Till the strike was called off, political leaders named by the learned counsel were supporting the cause of the movement but not the movement itself.

7. From the tenor of the evidence of the student leaders a reasonable inference can be drawn that the political parties played an important role in the students' agitation on the re-opening of the educational institutions during the second phase of the movement about the end of October 1964.

8. In course of argument before the Commission the learned counsel appearing for different parties including All-Orissa Citizens' Fact Finding Committee, Utkal Union of Students and SSP submitted as follows :

- (a) All political parties except the Congress played the normal role in the students' movement which any political party should play in a country where there was parliamentary democracy. If the Government accepted the demand for judicial probe, there would not have been any trouble .
- (b) The political parties wanted a peaceful movement; no political party asked the people to be violent.
- (c) As regards the role of the Congress, it was submitted that it was a role of callous negligence and irresponsibility, unbecoming of a major political party controlling the reins of the Government during the relevant period ; Provincial Congress did not pass any resolution asking for a judicial probe, but they instead, condemned the students. In support of this, reference was made to the resolution passed by the Utkal Pradesh Congress Committee which approved of "firm action" by the police "against students". The gist of the proceedings at this meeting was published in the Eastern

Times in their issue dated October 2, 1964 to which the attention of the Commission was drawn. It appears from the item of news published in the front page of that issue of the paper that the resolution said that :

“ in a democratic State there was scope for expression of opinion in a peaceful and democratic way. “But that would not justify taking law into their own hands by students. That is not only harmful to the interest of the State but also creates very undesirable precedents”, the resolution added.”

While commenting on this resolution passed by the Provincial Congress Committee it was submitted that in the resolution the Congress did not call for action against the police ; the Congress only condemned the students' movement.

- (d) There were, however, individual Congressmen who were conscientious and rebelled against this official attitude ; it was also stated by the learned counsel that Mr. Gobind Chandra Misra, Ex-M.P., Mr. Surendranath Patnaik, Ex-M.L.A., Mr. Manmohan Misra, Ex-Chairman, Cuttack Municipality and Ex-Editor of the Kalinga, Acharya Harihar Das, and Sm. Rama Debi condemned police excess and wanted judicial enquiry.
- (e) In this context, it was commented that the then Chief Minister, representing the CPP in the Assembly, failed to meet the leaders even though he was directly in touch with the administrative machinery and knew the steps taken to suppress the movement ; inaction of the then Chief Minister and the further fact that no minister came out on the night of the September 26, were severely commented on.
- (f) Not a single meeting was organised by the Congress Party to explain its stand ; in this context it was also submitted that the meeting at Chandan Padia was not a Congress meeting. Thus the Congress did not play any role in appearing the situation.



- (g) On this point, the attention of the Commission was drawn to a portion of the Press Note, dated September 27, 1964 where it was stated that Government issued strict instructions to their officers controlling law and order that such hooliganism shall be "nipped in the bud" and firm action taken against whosoever may be the offender and full protection given to the public and property, if necessary by firm punitive action.
- (h) In the ultimate analysis, it was submitted by the learned counsel on behalf of the students and the public that, during the second phase of the movement after the educational institutions reopened about the end of the October 1964, political parties were in a way responsible for converting the students' movement to a mass struggle for fulfilment of the demands of the students and for the removal of the ministry, against which enquiry was being conducted by the CBI for corrupt practices. Initially, it was a spontaneous movement under the student leaders but subsequently, it converted itself into a mass movement.
- (i) It was also submitted before the Commission that the leaders representing their respective political parties had every right to condemn the Government for its acts and express their reaction; whatever the political parties did in the students' movement was their normal role which they are bound to have in a democratic State. In support of their submissions they referred to certain passages from a book "South Africa and the Rule of Law" published by the International Commission of Jurists, Geneva, 1960.

#### **B. Case of the administration**

9. On behalf of the administration, several affidavits were filed by the officials including the State's DPI, other educationists of the State, Director of Public Relations, Revenue Divisional Commissioners, District Magistrates, DIGs, and SP, Special Branch who all gave their respective version of the role of the political parties in the students' agitation, Orissa. These officials were competent to speak

about what they said as based on their personal experience from day to day in course of their work at their respective stations.

10. The consistent version of the administration as stated in the said affidavits filed on their behalf was in substance this : That the political parties supported the students' movement during the second phase and played an important role throughout thereafter—all as stated in their respective affidavits. The opposition political parties like the SSP, the Swatantra, the CPI and the Bharatiya Jana Sangha played an important part in encouraging the students to continue the agitation. The SSP however played the most important role; the SSP leaders started wielding their influence over the students much earlier than the students' agitation and actively continued to influence the students both directly and also through the Utkal Union of Students to carry on the agitation until the then Congress ministry was dissolved. Prominent political leaders belonging to different parties named in the several affidavits, played active part through the Cuttack Citizens' Committee and also directly in encouraging the students to keep their agitation alive. Apart from Cuttack these political parties through their representatives also played their role in the districts all over Orissa.

11. It is significant that there was no rejoinder on behalf of any of the political parties to any of the affidavits filed by the State officials, although the Secretary, Communist Party of India (Orissa Branch), and the SSP appeared through their respective learned counsel, as appears from the minutes of the proceedings before the Commission on February 27, 1965 as recorded therein. It was open to the political parties to deny, by way of rejoinder, the statements in the several affidavits made on behalf of the administration speaking about the respective role of the political parties in the Cuttack district and other districts of the State. The result of their not having filed any rejoinder is that the affidavits filed on behalf of the administration to the effect that the political parties played an important role in the students' agitation stand uncontradicted.

### **C. When and why the political parties came into the picture**

12. In its earlier phase, the students' disquietude was purely an emotional affair brought about by the alleged excess committed by the police. Slogans and demands were for unconditional release of arrested persons; appointment of

Judicial Commission, compensation for damages and stoppage of police jalam. Ministers and ministry did not yet come into the picture. When the demands of the students were not fulfilled by the Government and when they were getting more and more impatient, agitated and frustrated, gradually slogans and demonstrations started against the Government and individual members thereof. Contemporaneous official information and publications in newspapers would show that the interested politicians and political parties had come into the picture and begun exploiting the situation.

13. The agitation did not remain confined to the towns only but spread throughout the districts and to the remote rural areas, as the students were sending emissaries to different places, issuing directives indicating future line of action and showed remarkable organising ability. Wherefrom they got funds to meet the expenditure of such a sustained agitation is something which appears puzzling but raises reasonable presumption against the political elements supporting them. Everywhere processions were taken out with abusive slogans against the Government, police and individual ministers. Inciting speeches were also delivered in open public meetings both by the students and the political persons. There were instances of jeering at the police and magistrates, and inciting school children of tender age to resort to violence like throwing of brickbats at police. Pelting of stones at offices and police posts was freely resorted to; at places arson was committed and telephone and telegraph wires were cut and culverts removed.

14. Thus when the demands of the students were not conceded to by the Government, resentment increased; students became all the more excited; at this stage members of different political parties began to associate themselves with the students' agitation; the students felt encouraged; since thereafter, gradually the students' agitation took a more serious turn, inasmuch as it became almost a challenge to the ministry in power; slogans were shouted that the ministry should step down; the students played into the hands of the politicians.

15. At Sambalpur, the members of the Swatantra Party and SSP instigated the students to keep up the movement; at Bargarh (within Sambalpur district) some members of the CPI were said to have been encouraging the agitation which resulted in outbreak of violence; in

Bolangir district members of the Swatantra Party and the CPI played a role in the students' agitation.

16. In Dhenkanal district, members of Swatantra Party and the CPI were similarly encouraging the students' agitation.

17. At Bhawanipatna (Kalahandi) the situation aggravated on account of the active sympathy and participation of a certain section of political workers reportedly belonging to the Swatantra and the SSP.

18. The emotional behaviour of the students was exploited by members of the political parties; it was evident that persons belonging to certain political parties wanted to keep the agitation going in furtherance of which, in the press and in platform, they indulged in giving publicity to sensational news eulogising the students in their agitation, thereby encouraging lawlessness amongst them and simultaneously deprecating the administrative measures to meet such situation.

19. As the agitation gained momentum, there was indication of the political elements openly identifying themselves with the students' cause. Some of the members of the opposition political parties addressed meetings of students exhorting them to continue their agitation and at the same time criticising the Government action. Such external inspirations and political sympathies gave further impetus to the students in organising the agitation; in that atmosphere the students' agitation got inevitably mixed up with the issue advocated by the political parties and thus further served the purpose of extending the course of the agitation. It was to this extent the agitation assumed a political colour.

20. Even the demand of the students for judicial probe into allegations of excessive use of force is understandable though not justified, but subsequent processions, demonstrations and slogans clearly exhibited political trend which the students' agitation took. Demand for judicial probe was not immediately conceded to by the Government. That is not a natural reason or a justification to provoke the students to indulge in caricatures of low taste against particular ministers. Such conduct cannot by any stretch of logic and reasoning be relatable to any grievance of the students or demands on their part. Students went to the extent of making widows of boys, symbolised as wives of ministers, and

indulging in mock funeral and wailings ; it was low taste; this aspect of the students' agitation should be seriously pondered over. Students being misled or even being politically utilised is a phenomenon which one can understand, considering the immaturity of their mind and their susceptibility to easy influence. The conduct of the students clearly reveals political meddling with the students at a later stage of the students' agitation.

21. Initially, there were no meetings, processions or demonstrations by students in the matter of allegations against the ministers. The question arises: Why all on a sudden students went out in processions, demonstrations shouting slogans, demonstrating caricatures in low taste, on public roads against individual ministers ? The natural and logical conclusion which can be drawn from the situation is that at a certain stage, the emotional tension of the students was exploited by persons or politicians, who might have been inimical towards the ministers against whom demonstrations were made. It is clear from the affidavits filed by the State officials in the different districts that workers and leaders of some political parties took active interest and sympathised with the students; speeches were delivered by members of the political parties and in those speeches encouragement was given to the students to persist in their agitational activities; they are stated to have been secretly instigating and helping the students in organising and keeping up the tempo of their agitational activities; evidently some members of the political parties played a leading role in encouraging the students.

22. Evidently from before the public opinion was roused against the then Congress ministry by reason of their alleged corruption and thus it became unpopular; the political parties were working for overthrowing the ministry; the unpublished CBI report was being freely talked about. It was in this political atmosphere that the students started movement arising out of a small incident at the radio shop.

23. The members of the political parties, opposed to the ministry, took advantage of the students' movement and appeared to have exploited the same to serve their purpose of making the then Congress ministry more unpopular. It was mainly with this purpose that the different political parties came into the picture and supported the students' movement.

#### D. Role of SSP

24. It appears from the record that the SSP exploited the students' agitation no sooner than it started on September 26/27, 1964 soon after the jeep burning incident in the morning of September 27; it is said that leading SSP members and sympathisers came to the scene, went inside the Ravenshaw College campus, the hostels and contacted the students.

25. It was when these political leaders came among the students, the students formed an Action Committee and drafted an eight-point demand including judicial enquiry into the alleged police excesses and compensation to students who sustained loss or damage during the police action. Evidently it was when these political leaders came into the picture that the students, in an organised way, violated the order under Section 144 Criminal Procedure Code at about 4 P. M. on September 27.

26. On the following day on September 28, the Students' Action Committee met the District Magistrate, Cuttack and placed the eight-point demand charter drafted at the instance of the political leaders. Some SSP leaders contacted prominent citizens of Cuttack town and press representatives with a view to forming public opinion in favour of the students and against the police. These political leaders impressed upon them by narrating the alleged eye-witness accounts of police excesses on students; a prominent SSP leader also issued a statement to the press containing highly exaggerated account of police action against the students which was published in the local newspapers on September 29; other political leaders also issued press statements alleging police excesses and revengeful attitude against the students; Opposition leaders particularly the SSP leaders severely criticised the police and demanded a judicial enquiry into the alleged police excesses.

27. As a result of such activities on the part of the political leaders, the public opinion and the press which were highly critical of the students' action till September 28 changed their tone thereafter.

28. On October 1, 1964, in a camera meeting organised and attended by some prominent SSP leaders held in Hind Sevak Samaj office, a committee called the "Cuttack Citizens' Committee" was formed with 24 members; it was decided that a public meeting would be held on October 4, at Khannagar to decide future line of action; a Legal Aid Committee was formed with 10 members, with a convener to render necessary legal aid to the students under arrest.

29. As decided in the SSP-dominated Cuttack Citizens' Committee, a public meeting was held at Khannagar on October 4, 1964; the speakers at the meeting were mostly SSP; they all unequivocally condemned the Government for the alleged police excesses on the students in Cuttack town on September 26 to 29; the then ministry was severely criticised for its attitude towards the students, for the promulgation of the order under Section 144, for mal-administration and alleged corrupt practices; there was an appeal for enrolment of 5,000 volunteers of Cuttack town to conduct an agitation to overthrow the then ministry; a resolution was adopted demanding institution of judicial enquiry into police action, withdrawal of order under Section 144 Cr. P. C., release of arrested students unconditionally and grant of adequate compensation to the students; a Fact Finding Committee'' was constituted with prominent political leaders to probe into the students' agitation and alleged police excesses.

30. During the second phase of the students' agitation, which started from October 21 when most of the colleges reopened, initiated by the Students' Council of Action, complete hartal was observed at Cuttack on October 26, 1964, the first day of the 'Dozen Black Days'; the prominent SSP leaders emphasised that the agitation would not subside as long as the then ministry would continue to remain in power.

31. Thus, early on November 19, the SSP leaders who were utilising the students' agitation for ousting the then State ministry, did not feel happy over the termination of the students' agitation; in a public meeting organised by the SSP on November 6, at Cuttack, a prominent SSP leader severely criticised the police for alleged atrocities committed by the police during the students' agitation; while expressing satisfaction for a settlement between the students and the Government, he expressed his doubt on the *bona fides* of the agreement as no press statement was issued by the Government; he called upon the student mass, citizens and labourers to agitate for putting an end to the sufferings of the people in the State by dislodging the ministry; he hailed the decision of the students to renew their agitation and keep it alive until the arrested non-students were released from Jail; he further stated that in view of the atrocities committed on students, the SSP would have failed in its duty if it would not have supported the students' cause.

32. Arrest of the political leaders at Cuttack and other parts of the State did not put an end to the activities of the

SSP-dominated Citizens' Committee. In a meeting sponsored by the Citizens' Committee, the students were congratulated for their united bold stand and State-wise agitation which was crowned with success; the student community was advised to launch a systematic and peaceful agitation against corruption till the corrupt elements were removed from power; it was suggested that the ministers should be boycotted in all public functions everywhere in the State.

33. Apart from their activities in Cuttack town, reports were received of similar activities of the SSP in the different districts, as will appear from the affidavits of the District Officers of Ganjam, Kalahandi, Phulbani, Puri, Mayurbhanj, Sambalpur, Dhenkanal, Keonjhar and Sundargarh filed on behalf of the administration. Their statements were all based on their knowledge and the reports received by them regarding the various activities of the SSP in the normal course of administration. It is clear from these affidavits that the SSP played an important role in the students' agitation in all these places by way of holding meetings, processions and other ways of demonstration.

#### E. Role of CPI

34. The Communist Party of India (Orissa Branch) filed a written statement verified by an affidavit by its Secretary Mr. Gurucharan Patnaik. The relevant portions of the affidavit are these :

- "1. That this party is National Party which has been fighting for amongst other things for protection of democratic rights of the people at large.
2. That this party has got a large number of supporters, sympathisers and member in Orissa who were directly connected with the last student movement in Orissa.
3. That at the out-set, it is submitted that although this party did not launch the students movement, it was drawn into it, as the police and the Official administration overstepped the bounds of law and attacked the people while they exercised their rights guaranteed under the Constitution."

35. The apparent tenor of the written statement made by the CPI is that the student movement was supported by the party as an expression of the people's revolt against the



bureaucracy and the police. In the written statement the party stated its ideology; that the party believes in a philosophy of life which is said to have attracted millions of people all over the world around its banner; that the cause and character of the entire movement was deep-rooted and could not be brushed aside with superficial explanations; the lesson of the present movement was that the ruling class was in league with the bureaucracy and the police with a view to stabilise its power and position; the party further stated that to maintain such power a corrupt ruling party utilises the police to suppress any sort of people's movement by application of maximum force apprehending all the while that, unless such movements were nipped in the bud, the whole fabric of their corrupt administration might be dismantled and their anti-social and anti-people activities would be fully exposed before the public gaze.

36. The manner in which the CPI encouraged the students to keep up the tempo of the agitation would appear from the various reports of the proceedings of the public meetings in which the party called upon the students to carry on the agitation.

37. On October 3, at a public meeting sponsored by the CPI which was held at Nayabazar, alleged police excesses on the students were discussed and severe criticisms were levelled against the Government; demands were made to lift order under Section 144, to institute judicial enquiry, to release the arrested students and to drop all cases instituted against them; prominent CPI leaders delivered lectures encouraging the students to keep up the tempo of the agitation and asking the public to extend all support to the cause of the students.

38. During the movement, a joint statement is said to have been issued by prominent leaders of the CPI criticising police excesses, alleged defective Government policy in connection with the students' unrest and demanding immediate release of the students under arrest and judicial enquiry into the affair. The Secretary of the party Mr. G. C. Patnaik also issued a press statement severely criticising the alleged police excesses on students and giving a call to the CPI units in the State and the people to create public opinion in favour of the students' cause and the demand for judicial enquiry as would appear from the issue of the Prajatantra dated October 8, 1964.

39. On October 24, a statement was issued by the CPI condemning the alleged police atrocities on students from September 26 to 29, urging the Government to fulfil the students' demands and giving call for statewide token strike and Hartal.

40. Two days thereafter on October 26, the CPI organised a public meeting at Cuttack where a demand was made on the Government to concede to the demands advanced by the students and it was decided that 26th of every month would be observed in memory of the alleged brutal assault made by the police on the students.

41. The party Secretary Mr. G. C. Patnaik is said to have issued another statement on October 27, condemning Government for arresting SSP leaders as it appeared in the Prajatantra on October 25 and 28. In another statement on October 29, issued by the CPI, the party pointed out that if the students' demands were not fulfilled and arrested persons including outsiders, were not released very soon, then the CPI would take active part in the agitation and threatened that there would be Satyagraha from November 2—all as appeared in the Prajatantra dated October 30, 1964.

42. On October 31, at a public meeting sponsored by the CPI held at Chandanpadia, where students, press workers and factory labourers formed the bulk of the audience, many prominent CPI leaders severely criticised the Government for not solving the students' issue; they supported the demands made by the students and encouraged the students to continue the agitation.

43. Apart from the political propaganda at the platform and in the press in Cuttack town as aforesaid, there were also such reports of the role of the CPI in the students' movement all over Orissa as appears from the affidavits of the district Officers of Cuttack, Ganjam, Koraput, Phulbani, Puri, Balasore, Mayurbhanj, Dhenkanal, Keonjhar and Sundargarh.

#### **F. Roll of Swatantra Party**

44. There is ample evidence on record to show that the Swatantra Party played an important role in the last students' agitation in that the party at various public meetings held at different places throughout the State persuaded the students to continue the movement as will appear from the records of the proceedings of the public meetings.

45. On October 5, a meeting was held in the office of the Servants of India Society at Cuttack which was attended by many prominent leaders of the Swatantra Party. At the meeting it was decided to violate order under Section 144 by holding meetings in Gourishankar Park daily from October 8 to 11.

46. On October 14, a public meeting organised by the students of Balikuda High School in Balikuda market, a prominent leader of the Swatantra Party and others while addressing the gathering criticised the Government, the Chief Minister and the Home Minister for their alleged corrupt practices; the students were advised to continue the agitation.

47. At a meeting held in Jajpur town, a Swatantra Party leader instigated the students to continue strike and to observe complete Hartal on October 30, and to collect subscriptions.

48. At Kalahandi which is said to be the stronghold of the Swatantra Party, there were several public meetings in which the police excess at Cuttack was criticised and a demand was made for setting up an Enquiry Commission. These aspects have been fully dealt with in the Chapter on Bhawanipatna incident while discussing the background in which the incident there took place. The role played by the Swatantra Party is evident from the manner its leaders made speeches at the meetings inciting the students to hold demonstration against the Government. It is also said that a leader of the Swatantra Party was found to be keeping close contact with the students' agitation and had deliberations with the student leaders in his house in the evening of October 29,—the date on which the incident at Bhawanipatna took place.

49. On November 1, at a meeting held at Gandhi Chowk in Bhawanipatna attended by 1,000 persons, the Swatantra leaders addressed the gathering; the rule of Mr. Biren Mitra and Mr. Biju Patnaik was vehemently criticised; it is said that this meeting was fully utilised by the Swatantra Party to strengthen its position.

50. An impression was given that it was the Swatantra Party which compelled the Government to set up an Enquiry Commission. The microphone announcement of the Government decision for appointing a Commission was interpreted as surrender by the Government before the demands of the party; a pamphlet was circulated in which the Government were criticised and held responsible for the agitation.

51. A meeting was also held at Bhawanipatna on November 2, 1964 sponsored by the Swatantra Party with a prominent Swatantra leader as Chairman; the main speaker was also a leader of that party; they all criticised the District authorities for their strong attitude; it was also stated that the prisoners inside the Jail were given inhuman treatment; that the leader of the party would get, among others, the students released by asking the Chief Minister.

52. On November 6, the members of the Swatantra Party sent some students to collect donations from the shop-keepers; Swatantra Party workers were trying to keep students' agitation alive. On the same day there was a public meeting at Gandhi Chowk where speakers belonging to the Swatantra Party vehemently denounced Government and demanded unconditional release of the arrested students; some of the speakers held out a threat that a violent agitation would follow if these demands were not fulfilled.

53. The Swatantra Party also played their part in the students' movement in other districts including Bolangir, Ganjam, Koraput, Balasore, Phulbani, Sambalpur, Dhenkanal, Keonjhar and Sundargarh by way of meetings and demonstrations as in the districts of Cuttack and Kalahandi as will appear from the affidavits of the local officers based on their personal knowledge and experience in course of their official duty at the respective stations. It is not necessary to deal with their role in other districts separately.

#### **G. Role of Bharatiya Jana Sangha**

54. It appears that Bharatiya Jana Sangha also played some part in the students' movement in that its party leader in Orissa joined other political parties at Puri at a public meeting of 5,000 which was attended mostly by students where they all criticised the State Government for arresting the political leaders and students, demanded their unconditional release and appealed to the audience for full co-operation to keep the agitation alive against soaring prices and removal of the then ministry.

55. On October 25, at another public meeting at Puri, sponsored by the students, Bharatiya Jana Sangha leader, among other speakers delivered speech fully supporting the cause of the students and criticised the Government for police excesses.

56. In the issue of the Prajatantra dated October 30, there was a news item to the effect that Bharatiya Jana Sangha, Cuttack Branch passed a resolution. The English translation of the said news item in the Prajatantra is as follows:

**“ GOVERNMENT SHOULD GIVE UP OBSTINACY**

Cuttack-29/10—In a meeting of the Bharatiya Jana Sangha Local Executive Committee, the following resolution was passed :

That the stage at which the students' agitation throughout Orissa has reached has been the cause of great concern for the people of the country and the Cuttack Branch of the Bharatiya Jana Sangha is also very much concerned over these incidents. The Bharatiya Jana Sangha feels that there has been no sincere effort by the Government to solve the problem. The Government is mainly responsible for bringing the students' agitation to this stage. This is the view which Bharatiya Jana Sangha holds. As a result of this, people's confidence and reliance on the Government are broken. The Government by closing the schools and colleges for an indefinite period, without making any sincere effort for solution of the problem, while doing harm to the students, is also causing harm to the future generation. The Jana Sangha demands that the Government, by giving up this obstinacy, should set up an impartial judicial Enquiry Commission so as to make an immediate solution of this situation.”

57. This was a resolution passed by the Bharatiya Jana Sangha as a political party; it is not the act of any individual. This resolution passed by the political party completely negatives the view that no political party as such played any role in the students' agitation. It is a direct proof of the role of the political parties in the students' agitation in the way they each played in the students' agitation.

**H. Role of Congress Party**

58. The Congress ministry having been in office, the official Congress Party, for obvious reasons, did not and could not take any part to support the students' agitation which was causing embarrassment to their own Government. In fact, Congress Party made several statements in the press condemning the students' agitation as published in the different newspapers.

59. In the ultimate analysis, it is clear that the official Congress played a healthy role for peaceful solution of the problem by all possible methods including statements and resolutions published in the press.

60. *Did any individual Dissident Congressman in any way support the student agitation?* In course of hearing, it was submitted:

submitted on behalf of the learned State Counsel Mr. B. M. Patnaik that a few members of the Congress Party openly supported the students' agitation so much so that at least one of them courted arrest by violating order under Section 144.

61. In this context, reference was made to a note annexed to the affidavit of SP, SB, dated April 29, 1965 where it was stated that certain individual members stated to be of the Congress Party played active part in the agitation through the Cuttack Citizens' Committee. The note mentioned that certain individual members of the Congress Party criticised the State Government ; it also stated that some such members kept contact with the opposition leaders ; that some of such members of the Congress Party criticised the Government's Press Communique ; that some met the Chief Minister and the Home Minister more than once to put up the demands of the students and to urge upon the Government to concede to the demands of the students ; that at public meetings some of them openly described the police action on the students as inhuman ; that some prominent political leaders of the Congress Party made speeches at the public meetings that the democratic rights of the people for which the Congressmen fought so long were in jeopardy.

62. In this context, attention was also drawn to a certain speech of a prominent political leader of the State that democracy in India was at stake and tendencies of Fascism were in sight ; that there was growing discontentment over food scarcity, price rise and prevalence of corruption from top to bottom ; that he observed that taking measures to wipe out corruption from the lower level in the society would not solve the problem ; that it was the duty of the Government to ensure honesty at the top so that corruption in the lower level would disappear automatically. Such or similar speeches by political leaders are quite normal and only as are expected of them ; speeches of this nature have no connection with the students' agitation ; it cannot be said that criticism of the Government or the police for their actions amounts to instigation or incitement.

63. The Commission is not convinced that any such speech of an individual politician, even assuming that he belonged to the Congress Party, by itself, amounted to his participation in the students' agitation. In a free democratic country every individual, apart from his allegiance to his party, has a right to speak freely and criticise the Government

openly. Ours is not a totalitarian State where free expressions of political views can be gagged.

64. There is, however, some evidence on record to show that in some instances, certain individuals, who are described as Dissident Congressmen, actively participated in the students' agitation to the extent of launching Satyagraha and ultimately getting arrested in that connection. This calls for close examination of the evidence.

65. The District Magistrate, Puri Mr. D. P. Das annexed to his affidavit, dated April 26, 1965 a synopsis of the "Day to day events of the students' agitation in Puri district from the 26th September to 24th November 1964". In the said synopsis of events he stated with regard to an event at Puri on the 10th October 1964 which, so far as relevant, was this :

"10-10-64. Puri—Shrimati Sundarmani Patnaik (Dissident Congress) gave a notice to the District Magistrate to launch Satyagraha on the 13th October 1964 demanding judicial probe into the Police excesses on students at Cuttack and immediate release of students. Accordingly, on 13th October 1964 she offered Satyagraha and was arrested under Section 151, Cr. P. C."

This is a direct evidence of at least an individual Dissident Congressman having actively supported the students' agitation in the manner she did as described above.

66. There is also another such instance at Berhampur. The District Magistrate of Ganjam Mr. B. B. Tripathy in his affidavit, dated April 26, 1965 annexed a synopsis of the events of the period of students' disquietude from 26th September 1964 to 25th November 1964. What the District Magistrate stated in paragraph 58 of the said synopsis under date "3-11-64", so far as relevant, was this :

3-11-64

"58. Some students and political elements, namely, Shri Brahmananda Panda (Dissident Congressman), Kishore Chandra, Panigrahi (Advocate), Narasingh Patnaik (Advocate, Communist) Shri Tarinicharan Patnaik (SSP), Kishore Chandra Patnaik and Avir Chandra Padhi (Peoples Committee) approached the District Magistrate, at Berhampur and requested him to withdraw the orders u/s. 144, Cr. P. C. so as to afford them an opportunity to observe November 4 as "mourning day" for the martyrs of the student agitation by organising procession and public meeting."

This also shows that at least an individual Dissident Congressman was supporting the students' agitation by organising procession and public meeting as stated above.

67. In the ultimate analysis, therefore, it appears that although on the available evidence on record the Commission

is unable to give a general finding that the Dissident Congressmen, as such, actively and openly instigated or supported the students' agitation, but there is evidence to show that in certain instances some individual political leaders described as Dissident Congressman actually supported the students' agitation in the manner they did as aforesaid.

### I. Findings of the Commission :

68. On a consideration of the materials placed before the Commission and in the light of the foregoing discussion, the Commission finds :

- (a) that all political parties opposed to the Congress played their respective role in supporting the students' agitation;
- (b) that all the opposition political parties both on the platform and in the press criticised the ministry then in office for not taking appropriate steps for the solution of the problem arising out of student-police clash at Cuttack and other places in the State;
- (c) that all the opposition political parties kept the students' agitation alive by encouraging it by speeches at different public meetings sponsored by them and also by statements and resolutions published in the press in the manner they respectively did until demands of the students, including appointment of Judicial Commission, were fulfilled and the then ministry was thrown out of office;
- (d) that all opposition political parties played an important role particularly during the second phase of the movement since about the end of October 1964;
- (e) that the official Congress played a healthy role for peaceful solution of the problem by all possible methods including statements and resolutions published in the press;
- (f) that although, on the available evidence on record, the Commission is unable to give a general finding that the Dissident Congressmen, as such, actively and openly instigated or supported the students' agitation, there is evidence to show that in certain instances some individual political leaders described as Dissident Congressmen actually supported the students' agitation in the manner they did.



## CHAPTER XXIII

### THE ROLE OF OTHER ASSOCIATIONS ORGANISATIONS AND INDIVIDUALS

	Paragraph		Paragraph
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A. Guardians and parents :	.. 2— 9	Teachers	.. 21
Guardians' Committee	.. 3— 9	Political and social leaders	.. 22—25
B. Other associations and organisations:..	10—20	D. Findings of the Commission	.. 26
Citizens' Committee	.. 10—16		
Bar Associations	.. 17—20		

### INTRODUCTION

Under the second term of reference, the Commission is also required to enquire into and report on the role of other associations, organisations and individuals in the students' agitation. In view of the Statewide disturbance which though initially started by the student leaders, got out of their control and assumed such huge dimensions as caused great apprehension in the minds of the general public. In such a situation, the citizens generally played their respective role—passive or active—in the way they each reacted to the movement. In this context, the role of the citizens, parents and guardians, teachers and other individuals—political or non-political—is recorded below.

#### A. Guardians and parents:

2. Except towards the closing days of the students' agitation, guardians and parents do not appear to have played any ostensible role. It was during the second phase, when the movement was taking a violent form affecting the studies of the regular students, the guardians and parents became anxious for an early settlement of the problem.

3. *Guardians' Committee* : On October 28, 1964, on the invitation of the Principal of the Ravenshaw College a meeting of the guardians was held. It is on record that some section among the guardians, instead of supporting the stand taken by the Government, supported the cause of the students and demanded an early settlement. A Guardians' Committee was formed with six members, namely, Mr. Chintamani Misra, Mr. Binod Kanungo, Mr. Dasarathi Pati, Mr. Muralidhar Mohanty and two others which passed a resolution demanding a Judicial Enquiry Commission and unconditional release of students. The Guardians' Committee met the State Home Minister and put forth their demands; the Home Minister

reacted favourably to such demands; the Guardians' Committee contacted the students and gave that information to the student leaders. The students, however, at the instigation of some members of the Citizens' Committee reacted unfavourably to this move for peace. In any event, negotiation for settlement of the impasse proceeded.

4. As in the city of Cuttack, there were also similar guardians' committees at different places of Cuttack district. At Jagatsinghpur and Kendrapara, guardians held meeting to call off the strike. In fact, the guardians of Jagatsinghpur attempted to leave their wards in schools and colleges but the SSP workers were reported to be dissuading them. Two local lecturers at Jagatsinghpur gave notice to go on hunger-strike unless the students joined their classes. Thus, the guardians there were making all efforts to improve the attendance of the students at schools and colleges.

5. In the outlying districts throughout Orissa, there was a move by the guardians generally (not all) for bringing about an end of the situation. At Bargarh, on October 27, at a meeting of the governing body of the Bargarh Panchayat College in which 20 guardians were present, a Guardians' Action Committee was formed consisting of 11 persons with Mr. Sachindranandan Das Mohapatra, Project Administrator of the Cement Project at Khaliapali under the Industrial Development Corporation as the President and Dr. Lalit Mohan Das as the Secretary. At the meeting, it was decided that the Guardians' Action Committee would immediately get into touch with the students in order to persuade them to keep away from the strike. It was also decided that, as far as practicable, guardians would be approached to exercise healthy influence on their wards. The meeting strongly felt that the strike was not doing any good to the students of Bargarh, as prolonged strike in sympathy would only damage the career of the boys. It was decided to take all possible measures to see that the students attended their classes.

6. On November 5, there was a meeting of guardians and parents at Bhawanipatna. They met the District Magistrate and requested him to withdraw all cases against the students and to release them from prison. They also requested for release of the two outsiders who had been detained under the DIR. The District Magistrate advised them to take recourse to remedies available to them under the law. There was another meeting of the Guardians' Action Committee at Bhawanipatna where except four, the remaining members

encouraged the students to carry on the agitation till the release of all students.

7. Evidently, the guardians at some places were divided in their views on the issue of the calling off of the students' agitation. Apparently, they reacted differently. Thus, at Mayurbhanj some guardians were of opinion that since this was an All-Orissa issue, the guardians' meeting at Baripada was meaningless ; it was, however, argued by others that in spite of that the local guardians had their responsibility to educate their children. They could not wash their hands clean by passing on the baby to some one else. Some guardians expressed that more than 90 per cent of the students were willing to attend classes ; it was suggested to divide the whole town into some blocks and the guardians of each block would combine and themselves lead their children to the schools and colleges ; it was decided that instead of all the guardians going at a time every day, this duty would be done by them by turn.

8. At Sambalpur, on October 25, the Principal of Gangadhar Meher College called a meeting of the local gentry where it was decided that the students should not come out of the college compound and might continue their peaceful strike ; accordingly, Dr. Parsuram Misra on behalf of the guardians of Sambalpur town sent a telegram to the Chief Minister, Home Minister and Chief Secretary to Government of Orissa to the following effect :

“ Sambalpur guardians greatly mortified at students' strike and appeal Government for moderation and tolerance in law and order situation. Also request—meeting students' points by judicial enquiry and appeal to students to remain peaceful.”

But, in spite of this, the students appeared determined to resort to hunger-strike at the District Magistrate's residential office.

9. Ultimately, the guardians played an important role in bringing about the Agreement with the Chief Minister (Ext. 14/1) which shows that this was made in presence of, among others, the Guardians' Committee as mediators.

#### **B. Other associations and organisations:**

10. *Citizens' Committee* : On October 1, 1964 in a camera meeting organised by the SSP and other political leaders including Mr. Nisamani Khuntia (SSP), Mr. Bankabihari Das (SSP), Mr. Govind Misra (Congress) and some students, held at Hind Sevak Samaj Office, Cuttack, a committee called the “Cuttack Citizens' Committee” with

24 members was formed, Mr. Nisamani Khuntia being its convener; it was decided that a public meeting will be held at Khannagar on October 4 to decide the future line of action. A Legal Aid Committee was also formed with 10 members with an SSP Advocate as convener to render necessary legal aid to the students under arrest.

11. As decided by the Cuttack Citizens' Committee, a public meeting was held at Khannagar on October 4 under the presidentship of Mr. Gobind Chandra Misra (Congress); the speakers at the meeting condemned the Government for the alleged police excesses on the students of Cuttack city from September 26 to 29; the women folk were also requested to take out a procession to demand release of students unconditionally. At the said meeting a non-official Citizens' Fact Finding Committee consisting of Mr. Gobind Chandra Misra, Shrimati Sarala Debi, Mr. Shamsundar Misra, Mr. Asok Das and Mr. C. V. Murty was also appointed to enquire into the police excesses alleged to have been committed.

12. There is ample evidence on record to show that many meetings were called at the instance of the Cuttack Citizens' Committee where speeches were made in support of the students' agitation.

13. There were also Citizens' Committees at Berhampur and Sambalpur. At Berhampur in the evening on November 10, about 20 leading Citizens of Berhampur town met in camera at the Utkal Ashram and formed a Citizens' Committee with Mr. Brahmananda Panda (A District Congressman) as President, Mr. Narasingha Panda, Advocate (Communist) as Secretary, Dr. Ferozalli as Treasurer and 20 others as members to take up the students' cause, to collect facts and figures pertaining to the students' agitation and police firing at Berhampur to be placed before the Enquiry Commission.

14. At Sambalpur, there was a Citizens' Welfare Committee. They passed a resolution on October 27 to the effect that they unanimously felt that the agitation by the students in Orissa was most unfortunate; the popular Governments both in the State and at the Centre should intervene immediately; the State Government ought to explore all possibilities for terminating this abnormal situation; the Committee urged upon the State Government as well as the students to act with utmost restraint. The resolution shows that unlike Citizens' Committees at other places, the Sambalpur Citizens' Welfare Committee played a healthy role in making effort to bring about an end of the students' disturbances.

15. Apart from these organisations of the citizens in the form of committees as Cuttack Citizens' Committee, certain individual citizens also filed affidavits purporting to be in their representative capacity, on behalf of the citizens of different places as described by them. Thus, a statement was filed by citizens of Jagatsinghpur (Cuttack) with regard to the incident dated October 29, 1964 and thereabout during the last students' agitation through Mr. Dhruba Charan Patnaik. Similarly a written statement was filed by Mr. Dhruba Charan Lenka, Banki on behalf of the citizens of Banki College. Another written statement was filed by Mr. Umesh Chandra Mohanty of village Lekhanpur, police station Jagatsinghpur then residing at New Capital, Bhubaneswar, on behalf of the citizens of Bhubaneswar. These purport to show that at other places although Citizens' Committees as such were not formed, still some local individual citizens filed affidavits in support of the students and the public in their representative capacity on behalf of the citizens of the respective places.

16. The minutes of the proceedings of the public meetings during the students' agitation, as recorded on behalf of the administration and placed before the Commission, show that these public meetings were at the instance of different Citizens' Committees. In fact, many of the public meetings at Cuttack during the agitation were called by or at the instance of the Cuttack Citizens' Committee.

17. *Bar Associations* : Their role was confined to only passing resolutions on the situation during the disturbance. On September 29, the Cuttack Bar Association passed a resolution demanding judicial enquiry into the alleged police excesses and decided to give all legal assistance to the affected students. After the Chandan Padia incident on November 14, the Orissa High Court Bar Association passed a resolution (Ext. 4) on November 16 to the effect that while disapproving the behaviour of a handful of persons who did not permit the proceedings of the meeting (at Chandan Padia), it strongly resented and protested against the unwarranted, unprovoked and uncalled for lathi-charge and police excess, indiscriminately let loose on the peaceful public including the members of the Bar and even some of the conveners of the meeting, without any warning or any prior intimation during the public meeting held in the evening of November 14, 1964 in the Municipal grounds (Chandan Padia) whereto the public were invited to attend; the Bar Association was strongly of the view that the police who were

pledged to protect the lives and liberties of all, had turned themselves that night into a lawless force to attack and humiliate the citizens; while condemning the President of the (Chandan Padia) Meeting Mr. B. Patnaik for not restraining or protesting the police-attack, the Bar Association demanded that suitable and immediate action might be taken by the Government against officers and the individuals responsible for their acts of omission and commission; the Bar Association wished to convey their strong reaction against the humiliation and assault meted out by the police and demanded assurance for security and safety of the people so that such occasions would never be repeated in future; they also expressed their regret at the misreporting in the newspapers outside Orissa to the effect that there was pelting of stones before the lathi-charge; the Bar Association meeting further resolved to send a telegram to the President of India, the Prime Minister of India, the Home Minister of India and the Governor of Orissa.

18. It appears from records that the Bar Associations at other places also expressed their respective reactions during the movement. Thus, the Sambalpur Bar Association at an urgent meeting held on October 27, passed a resolution (Ext. 37) to the effect that the Association, while expressing its disapproval of the students' agitation viewed with deep concern and horror and recorded its strong condemnation of the tactless manner in which the local administration was handling the situation; the indiscriminate and unprovoked use of teargas on 24th and 25th October at the Court area and Gangadhar Meher College compound respectively, the blocking of public thoroughfare at Sambalpur Road Station and Court area had caused great harassment, inconvenience and humiliation to, among others, law-abiding citizens, members of the Bar and deprived them of their exercise of lawful rights of free movement. It was unanimously resolved that the Government should retrace its steps forthwith.

19. The Bargarh Bar Association also passed a resolution (Ext. 41) on October 28 regarding the unhappy situation arising out of lathi-charge by the police; the members pursued the letter of protest immediately handed over to the SDO, Baragarh; at the said meeting the Bar Association unanimously condemned the high-handed, unprovoked and brutal attack on peaceful persons, including lawyers, litigants and innocent school-going children and expressed strong resentment against the irresponsible actions of the officers

concerned; it demanded immediate transfer of the Sub-Collector, Bargarh in whose presence the unhappy incident took place and for a judicial enquiry.

20. At Berhampur, there was no resolution by the Bar Association as such. Nine named individual advocates of Berhampur Bar sent a telegram to the Union Home Minister as appears from Ext. 35. This has been fully discussed in the chapter on Berhampur (Ganjam) incident.

### C. Individuals:

21. *Teachers* : Except some futile attempts made by the two Principals and some teachers in the evening of September 26 in front of the radio shop near Ravenshaw College, Cuttack to pacify and bring back the students from the place of disturbance, the teachers do not appear to have been able to play any effective role during the entire period of the students' agitation. The last students' agitation amply demonstrated the loss of leadership of the teachers over the students. It is, however, said that by reason of the closure of the schools and colleges immediately after the trouble started on September 26/27, there was no opportunity for teachers to influence the students. Apparently, the teachers lost contact with the students; thereafter during the Pujah vacation the students fell into the hands of the politicians. It was observed that the teachers became more and more ineffective as the tempo of the strike went on increasing; the students were rude and offensive to the teachers and the teachers at one stage even feared to approach them. It must be said, however, that the staff of the colleges co-operated with their respective Principals whole-heartedly at all stages.

22. *Political and social leaders*—There have been quite a number of leaders of different political parties who played important role in the last students' agitation. They are too numerous to be all specifically named in this report. The names of different political leaders and the particular role they each played will appear from the minutes of the proceedings of the public meetings which form part of the records of the proceedings of the Commission as enclosures to the affidavit filed by SP, SB, Orissa. These include prominent public leaders, viz., Mr. Nishamani Khuntia, Sm. Sarala Debi, Acharya Harihar Das and Sm. Rama Debi.

23. The role of the SSP leader Mr. Nishamani Khuntia has already been discussed and needs no repetition. Sm. Sarala Debi was taken in a students' procession up to Chandinichowk where she addressed the students and congratulated them for

their success in forcing the Government to lift the prohibitory order. There is also evidence to show that she was supporting the students' agitation. Acharya Harihar Das, a Bhoodan leader also played an important role in bringing about a peaceful settlement of the disturbances. At one stage, he offered to go on hunger-strike if there was no peaceful and early solution of the problem. It was in this direction that he moved and made sincere efforts for solving it. Sm. Rama Debi, who is also a Bhoodan leader, played a healthy role in trying to bring about a settlement from the very beginning of the movement. She sincerely tried for a peaceful solution of the problem. In fact, on November 4, she herself met the Chief Minister and helped in coming to a settlement, as a result of which the students' agitation was called off the following day on November 5.

24. As in the Cuttack city, the local leaders in different districts also played their respective role during the students' agitation each according to the view he held on the issue. Among them at Sambalpur Dr. Parsuram Misra, Ex-Vice Chancellor of the Utkal University appears to have played an important role in that he sent a telegram to the Chief Minister of Orissa, as stated above.

25. Apart from all these persons particularly mentioned, there were numerous other persons—political and non-political—who played their respective role according to their own point of view either in support of or against the agitation who have been generally mentioned while dealing with the incidents at different places.

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#### **D. Findings of the Commission**

26. In the light of the above discussion, the Commission finds—

- (a) that the Guardians' Committee, or Guardians' Action Committee or guardians in their individual capacity—all reacted and behaved in the manner according to their respective view either in favour of or against the students' agitation ;
- (b) that the guardians and parents behaved in a way which was normal in the state of things then existing which directly concerned their own wards and children; while some of the guardians and parents were anxious to bring about an end of the trouble so that the students could go back to



their respective classes, others insisted on the fulfilment of the students' demands, including the appointment of the Judicial Commission as a pre-condition to calling off the strike ;

- (c) that the Cuttack Citizens' Committee as a political body supported and in fact instigated the students' agitation throughout ;
- (d) that the citizens' committees at other places, except Sambalpur, also supported the cause of students; the Sambalpur Citizens' Welfare Committee, however, played a healthy role in bringing about an end of the students' disturbance ;
- (e) that evidently, the Bar Associations, as august bodies of lawyers, passed resolutions on the basis of information conveyed to and received by them when the situation was tense and the atmosphere surcharged with rumours about the alleged police excesses throughout the State; these resolutions presumably were not based on personal knowledge; it was all on the basis of and represented the popular views as was then current in the State ;
- (f) that except that some Principals and professors of certain colleges tried to pacify the students from the very beginning and thereafter also made sincere efforts for the solution of the problem, the teachers generally did not play any particular role during the students' agitation; apparently, the teachers did not have either the stature or the courage to command respect from the general student community; in fact, there is evidence to show that in some cases, teachers were afraid even to approach the students during the later phase of the movement when it was taking a violent form;
- (g) that most of the political leaders were in support of the movement;
- (h) that some social leaders played a healthy role in trying to bring about a settlement of the problem; in fact, some of them helped in bringing about the agreement signed between the Chief Minister and the students as a result of which the agitation was called off.

**PART VI**  
**LOSS AND DAMAGES**



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## CHAPTER XXIV

### THE NATURE OF LOSS, DAMAGE OR INJURY TO PERSON AND PROPERTY

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## INTRODUCTION

Under the fourth term of the reference, the Commission is required to enquire into and report on—

“ The nature of loss, damage or injury to person and property sustained as a result of various incidents that occurred during the said agitation.”

2. It is not within the scope of the term of reference to fix the amount or to ascertain what precisely was the loss sustained by anybody or any individual or what should be the adequate compensation for such loss, damage or injury or to determine the question of the alleged liability. Under this term of reference, the Commission is required only to enquire into and report in respect of the “nature” of loss, damage or injury as mentioned in the term.

### A. Claim of students and the public : alleged loss, damage or injury to person and property:

3. The claims made on behalf of the students and the public for alleged loss, damage or injury to person and property are all as stated in the affidavits filed, relevant portion of the evidence given before the Commission and exhibits—mostly injury reports—which were relied on at the hearing.

4. *General claim for such loss, damage or injury including loss of earnings, prestige and pecuniary damages:* On an analysis of the affidavits, it appears that various sums ranging from one crore of rupees downwards have been claimed by different persons for such alleged loss, damage and injury to person and property. Some specimens of such claims of general nature made by various persons including student leaders, political workers and the Communist Party of India (Orissa Branch) through its Secretary are recorded for appreciation of the nature of such alleged loss, damage or injury.

5. The nature of the loss of property stated to have been affected by the police excesses was valued by the Communist Party of India (Orissa Branch) at about one crore of rupees or more; the relevant portion of the affidavit made on behalf of the party through its Secretary was this:

"That the extent of loss of property and life during the period in question has been very vast and substantial. .... The property that have been affected by the police excesses will be valued at about a crore of rupees or more. These estimates are applicable so far as tangible loss of life and property are concerned."

6. An SSP worker Mr. Pardeshi Naik who is also the Secretary of the party at Bhawanipatna in Kalahandi district also made claim to the extent of Rs. 1,000; his grievance was that he was arrested under the DIR and after his arrest he was served with a notice to show cause as to why his deed-writer licence would not be cancelled; it was on this basis that he claimed a sum of Rs. 1,000/- as stated in his affidavit thus:

"24. That as a result of such illegal arrests and detention, I have suffered both mental and physical torture, hindrance to my profession, of my health and prestige which is estimated in terms of money to the extent of Rs. 1,000/-."

Such claim for loss of earnings due to detention and mental agony due to internment in case of arrest under the DIR during the movement were also taken into consideration in estimating the loss, damage and injury suffered.

7. It is on the basis of such consideration that Mr. Radhaballav Misra a practising Advocate at Bargarh, known to be a local political leader, claimed Rs. 25,000 for

his having been arrested and detained under the DIR. The basis on which he claimed the amount is stated in his affidavit thus:

" 18. That, as a result of my detention for a month I lost my earning to the tune of Rs. 200 and my family suffered great pains especially as my infant son was keeping indifferent health and I myself underwent great mental agony due to my internment on the one hand and the pricks of conscience on the other hand arising out of the stigma that was forced on me of weakening the defence of my beloved motherland for whose sake if need be I am ever prepared to shed my life and I suffered pecuniary damages to the tune of Rs. 25,000 as a result of my arrest and detention."

8. Similar claims were also made on behalf of the student organisations. The Madhusudan Law College Students Union in its affidavit filed by its President Mr. Parfulla Kumar Mahanty claimed that properties worth Rs. 40,000 belonging to the students of Madhusudan Law College hostel alone were looted or destroyed by the police. The relevant portion of the affidavit is this:

" 29. That all the students of the Hostel have lost approximately the properties worth the value of rupees one thousand each apart from the injury to their person.

30. That the properties worth rupees forty thousand belonging to these students has been looted, or destroyed by the police during the aforesaid incident."

9. Among the several student-claimants for the alleged loss, damage and injury to property, Mr. Prafulla Kumar Patnaik a nineteen-year old Second-year B. Sc. student of Ravenshaw College alleged to have been mercilessly beaten by the police resulting in breaking of one of his teeth claimed Rs. 10,000 for damage done to him and for damage to his cycle said to have been caused by the constables. The relevant portion of his affidavit is this.

" 4. Since the time of beating I have developed a nervous debility and I cannot concentrate to my studies and my memory is failing. The damage done to me of my mental pain and my physical injury and loss of property, cost of medical expenses amounts to Rs. 10,000."

10. *Specific claims by students and certain members of the public in their respective affidavits* : Among the several affidavits filed in support of such claim for alleged loss, damage or injury to property, the acting Principal of Christ College Mr. M. N. Roy filed an affidavit attaching therewith the claim of three inmates of B. N. Hostel in respect of

loss and damage they respectively suffered; it is alleged that the police took away some of the belongings of these students as per the reports attached to the affidavit of the acting Principal of the College. In support of the nature of the loss, the students relied on the report of the Assistant Superintendent of the Hostel Ext.19; three loss statements Exts.20, 21 and 22 filed by the three boarders of the Hostel addressed to the Superintendent; in these loss statements, the students alleged theft by the police as the nature of their loss and damage.

11. As regards the loss, damage and injury to property alleged to have been suffered by the students of Madhu Sudan Law College hostel during the movement, Mr. Sailesh Chandra Pradhan a student of the said hostel in his affidavit described the nature of such loss, damage and injury thus:

“ 3. That the hostel was taken over by the police. When the hostel reopened, I found my belongings are missing. The belongings of the following persons are also missing. Great damage has been done physically and mentally. A list containing the individual damage and loss of property is filed herewith. The loss of goods and damage done to the following students, a list containing the details of such loss and damage is filed herewith.”

He has annexed to his affidavit all the particulars of the damages suffered by as many as 19 students with particular reference to the list of articles lost, taken away or found missing in each of these cases as fully recorded in the said annexures.

12. The owners of Madhusudan Law College Hostel building who had let out the same to the Utkal University also made claim for damages to the extent of Rs. 3,290 as per particulars given in Schedule B to the affidavit verified by one of the owner Mr. Durga Charan Bhutia, dated March 23, 1965. Due to high-handed action of the police, the landlords are alleged to have suffered damages which they claim to be reimbursed. The landlord's point is that prior to the disturbance on September 27, one of the owners being claimant No. 2 Mr. Durga Charan Bhutia had come to Cuttack, inspected the building premises but had not come across any of the damages as subsequently found as per Schedule B of the claim petition; on his next visit to the building on March 19, 1965 he found the damages; he found that the northern wing room set apart for use of the landlords (Claimants) which was kept under lock and key was sealed

and its doors with locking arrangements broken; the room was sealed by the police with the connivance of officers of the State Government; it is claimed that due to illegal sealing of the room which was kept reserved for the use of landlords, they suffered damages; they kept several articles in this room; that unless the seal was removed and the room reopened in the presence of the witnesses, the claimants were not in a position to assess the damage caused to the properties kept inside; accordingly they reserved their right to put forth any claim in this regard after the room was reopened.

13. The basis on which Mr. Sarat Chandra Jena a student of the Ravenshaw College claimed a total sum of Rs. 2,050 for loss of goods and mental pain as stated in paragraph 5 of his affidavit is this :—

5. That the damages caused to me due to my physical suffering, loss of goods and mental pains and injuries as follows :

(i) Repair of cycles	Rs. 50
(ii) Medical treatment	Rs. 500
(iii) Fruits and diets	Rs. 250
(iv) Mental pain and injuries	Rs. 1,000

He (P. W. 8) also gave evidence before the Commission. He said that the expenses he incurred for his treatment was about Rs. 400 or Rs. 500 including railway tickets, rickshaw fares. He said that he had to spend perhaps more than Rs. 100 for purchasing medicine and injections; for fruit and diet he perhaps spent more than Rs. 100 up to Rs. 200; he did not know exactly how much he spent during the period of absence on fruit and diet; he spent Rs. 50 or Rs. 60 for Doctor's fees. He also said that his cycle was damaged, it was a full-gear case cycle, gear case was damaged and the free wheel was also damaged; it cost him Rs. 50 or 45 approximately. (C. W. 8 S. C. Jena Qq. 75, 76, 305, 311, 312).

14. In the affidavit or Mr. Dhruba Charan Patnaik of Jagatsinghpur he appears to have claimed some compensation for the unauthorised removal by the military police of 2,000 new bricks from the brick kiln of G. Das of Purohitpur. In paragraph 29 of his affidavit no money value was mentioned for the alleged loss, damage or injury in respect of the bricks. In the list subsequently filed on April 25, 1966 by Mr. (L) Srinibas Misra, learned counsel on behalf of the students and the public, the figure put for the alleged loss and damage to the bricks is Rs. 130 ; presumably it was at the



then market rate of Rs. 65 per thousand. In the affidavit, there is also mention of his fifteen year-aged daughter Sm. Jyotirmayee Patnaik having been mercilessly assaulted by the police officers ; it was on her account that Rs. 500 was claimed in the list as money compensation ; it is however not clear on what basis the amount was claimed as loss and damage ; in any event, it is included as an item of loss and damage stated to have been caused to his daughter Sm. Jyotirmayee Patnaik.

15. In an affidavit filed by Mr. Dhruba Charan Lenka of Banki it was stated that a cycle of a student named Mr. Harihar Swain was forcibly taken by the police ; it was not delivered back to him. In the list of loss and damages a sum of Rs. 250 was claimed by the student Mr. Harihar Swain evidently for the loss of his cycle which was not redelivered to him. Another sum of Rs. 100 is shown as claimed by Mr. Laxminarayan Misra also a student of Banki College, on the basis of his admission and discharge certificate given by the Government hospital Ext. 33; he suffered loss and damage to the extent of Rs. 100 by reason of injury suffered by him.

16. There is a claim of Rs. 200 by Mr. Rajindra Biswal, a student of Padmapur High English School in Salipur P. S. In this context in an affidavit by Mr. Gourishyam Panda there was reference to the alleged assault by the police on the students as a result of which Mr. Rajindra Biswal had a severe bleeding injury on the head ; in the affidavit there is no mention of any money compensation on this account ; in the list of loss and damages a sum of Rs. 200 has been mentioned as the amount of alleged loss and damage suffered by him.

17. As regards the claims from Berhampur, G. Mathews Das appears to have claimed Rs. 500 in the list submitted before the Commission. In support of his claim, there is a petition Ext. C/62 made by his brother G. Dev Das stating the circumstances in which G. Mathews Das was struck with a bullet shot by the police at Berhampur on the date of the incident there. The relevant portion of his petition purporting to show how the incident caused loss, damage and injury to his brother G. Mathews Das is this :

“ The hospital authorities suspected that according to the wound and bleeding, the bullet might have struck the joint of the buttex and the entire leg was to be replaced by a wooden-structure. So, many X-rays and many measures have been taken

in the Hospital by the staff. Finally after a couple of days, the bullet was removed and the Police have taken it from the hospital on a Written Statement. And I had to spend huge amount after the injections, costly medicines, and good diet as my brother was expected to take the above things punctually and I used to supply them by pledging several of my costly ornaments and utensils. Besides this, I have also narrated the above facts on the representation to the District Judge, Ganjam-Boudh, Berhampur and his honour has been pleased to sanction a loan of Rs. 300 from G. P. F. accumulations to meet some medical expenses of my brother. Sometimes, I had to procure medicines from Cuttack and other distant place like Vizag as the injections intended to be given to him were not available in the Hospital nor in the medical stores. My brother remained in the Government Hospital from 29th October 1964 to 8th February 1965 and thereafter he was discharged from the Hospital. The present stage of my brother's leg is slim and feeble sequestering him slight lame. He is not in a position to work anywhere so early."

He also made a prayer for award of some compensation after due enquiry. In his evidence, G. Devdas (P. W. 8) said that altogether he had spent Rs. 1,500 by pledging all his ornaments and other things (P. W. 8 G. Devdas Q. 16). The injury report in respect of the injury suffered by G. Mathews Das is Ext. C/50(6).

18. At Berhampur there is also another claim of Rs. 3,000 by a boy Narayan Naik aged 10 years. He filed a petition, dated October 27, 1965 Ext. C/63 in which he stated the circumstances in which he was injured in the course of police firing with a bullet which entered into his leg and this had made him invalid for life. The relevant portion of his petition as translated into english showing the nature of loss, damage and injury suffered by him is this :

" On 29-10-1964, I went to Kamapalli to sell Khali (leaves used as plate for taking meals). By that time there was clash between the police and the students. I had no other purpose than selling the *Khalis*. Then unfortunately when I was on the spot, a bullet from the gun of the police entered into the calf of my right leg and this has made me invalid for life.

I am very poor and innocent. I depend for my maintenance on my mother. That the hope that I will maintain my mother in future has altogether vanished for the wound caused by this bullet of the police. My life is dark after my mother. I was treated in hospital. My mother has incurred heavy amount of loan to spend for my treatment.

So I request the Honourable Commission to consider my grievances and order for getting the cost of my treatment and Rs. 3,000 (Rupees three thousand) only as compensation for my future maintenance from the Government."

The injury report in respect of the injury suffered by him is Ext. C/50 (19).

19. There were claims from Bargarh including a claim of Rs. 100 and another sum of Rs. 7, the total amount being Rs. 107 by Mr. Mukteswar Das, an Advocate's clerk. In his affidavit he mentioned about having lost five one-rupee notes and his fountain pen which fell down from his body when the policeman rushed towards the place where he was sitting on October 28 in front of the SDO's court building in the afternoon at about 4 p. m. His claim of Rs. 100 is presumably on the basis of the injury report Ext. C/85 (8) which shows that he suffered abrasions of  $\frac{1}{2}$ " to  $1" \times \frac{1}{3}"$  to  $\frac{1}{2}"$  on nostril, below nostril, below knee and on left toe—all stated to be simple injuries caused by hard weapon. It may be noted that in his affidavit he did not mention anything of his having been injured.

20. Mr. Kunjaban Patra and Mr. Premraj Pati both students of the Basic Training School, Bargarh also claimed Rs. 300 and Rs. 250 respectively. Mr. Kunjaban Patra in his affidavit described how he and his friend Mr. Premraj Pati received severe injuries on their heads as a result of the alleged assault by the Gurkha police in the circumstances stated in the affidavit. Ext. C/85 (12) is the injury report of Mr. Kunjaban Patra apparently (as appears from the name of the father and address) wrongly described as Kunjabehari Pati. Another claim of Rs. 250 has been made by Kunjabehari Pati. This is obviously by mistake a duplication of the claim presumably by the same person. Ext. C/85 (20) is the injury report of Mr. Premraj Pati.

21. One Sagua Barik, a client of Mr. Basudev Naik, Mukhtar also claimed Rs. 100 on the ground of having been dragged and assaulted by the police on October 29 from the house of Mr. Basudev Naik in the circumstances as stated in the affidavit of Mr. Basudev Naik; in support of the claim reliance was placed on the injury report Ext. C/85 (30) purporting to show that Sagua Barik suffered two simple injuries being contusions—one  $5" \times 1\frac{1}{2}"$  oblique on left scapula and another  $6" \times 1\frac{1}{2}"$  oblique middle front right thigh.

22. There is also an item of claim of Rs. 10 by Mr. Basudev Naik. It is not clear either from his affidavit or from his evidence on what account he claimed the sum of Rs. 10 as included in the list of loss and damages.

23. At Bhawanipatna Mr Susil Kumar Panda, a student of C. T. Training School, Bhawanipatna also made a claim of Rs. 500 on the basis of his affidavit and his evidence

before the Commission. In his affidavit he stated that due to the circumstances in which he was assaulted he suffered both mental pain and physical torture, loss of study and health which he estimated in terms of money at Rs. 500. While dealing with the incident at Bhawanipatna, the Commission found that this youngman was in fact assaulted in the manner as stated in the findings.

**B. Final list filed on behalf of the students and the public on April 25, 1966**

24. Pursuant to a direction made by the Commission the learned counsel for the students and the public submitted a list (9 type pages) of loss and damages caused to the students purporting to be mainly on the basis of the affidavits, evidence and the injury reports, the total amount claimed being Rs. 2,03,937·63 P. The nature of loss, damages and injury to person and property as caused to the students at different places are shown in the list.

25. *Cuttack claim*: There are 60 items of claim, the total claim amount being Rs. 29,080·63 P. This amount includes the claim of Rs. 3,290·00 made by the landlords of Madhusudan Law College Hostel building.

*Items 1 to 3*: Under these three items a sum of Rs. 1,527·05 P. has been claimed by the students of B. N. Hostel of Christ College supported by loss statements filed by the claimants, the report of the Assistant Superintendent of the hostel and the affidavit of the acting Principal Mr. M. N. Roy as discussed fully in paragraph 10 of this Chapter.

*Items 4 to 22*: Under these items a sum of Rs. 15,463·13 P. has been claimed by the students of Madhusudan Law College Hostel supported by affidavit of Mr. Sailesh Chandra Pradhan, a student residing at the time in the hostel, as discussed in paragraph 11 of this Chapter.

*Item 23*: Under this item a sum of Rs. 3,290·00 has been claimed by the landlords of Madhusudan Law College Hostel building supported by the affidavit of one of the owners Mr. Durga Charan Bhutia as discussed in paragraph 12 of this Chapter.

*Item 24*: Under this item a sum of Rs. 2,050·00 has been claimed by Mr. Sarat Chandra Jena supported by his own affidavit and Ext. 30 being extract from

the Casualty Register Khata No. 3 of S. C. B. Medical College Hospital, Cuttack. The nature of loss, damage and injury has been fully discussed in paragraph 13 of this Chapter.

*Items 25 to 60 :* Under these items a sum of Rs. 6,750.00 has been claimed by the other students of Cuttack on the basis of injury reports Ext.8 series. These items include Item 47—claim by Mr. Prafulla Kumar Patnaik of the sum of Rs. 200; in his affidavit his total claim was for Rs. 10,000 as discussed in paragraph 9 of this Chapter.

*26. Jagatsinghpur claim :* There are 7 items of claim from Jagatsinghpur, the total amount claimed being Rs. 21,380.

*Item 1 :* Under this item a sum of Rs. 250 has been claimed by Mr. Chittaranjan Pradhan on the basis of injury report Ext. C/36(8) which shows that he had three injuries—one lacerated wound  $1" \times \frac{1}{4}"$  skin deep over the right frontal region, one contusion  $3" \times 1"$  over the right arm and another contusion  $3" \times 1"$  over the right thigh—all stated to be simple caused by some hard and blunt weapon.

*Item 2 :* Under this item a sum of Rs. 130 has been claimed by or on behalf of one G. Das of Purohitpur fully discussed in paragraph 14 of this Chapter.

*Item 3 :* Under this item a sum of Rs. 500 has been claimed by Shrimati Jyotirmayee Patnaik as discussed in paragraph 14 of this Chapter.

*Item 4 :* Under this item a sum of Rs. 10,000 (as per the list) has been claimed by Mr. Jagannath Mohanty, father of the deceased boy Krishna Prasad Mohanty who was killed as a result of police firing at Jagatsinghpur on account of damage in losing his eldest son. It is to be noted that in paragraph 10 of his affidavit dated March 25, 1965 filed before the Commission, Mr. Jagannath Mohanty claimed that he—

“has sustained a damage of one lakh of rupees in losing his eldest son and so should be compensated by that amount.”

thus there is a difference of Rs. 90,000 between his claim initially made in the affidavit and the claim that is included in list filed before the Commission on April 25, 1966. This appears to be a typographical mistake—omitting to put one more zero—in putting the figure in the list at Rs. 10,000 instead of Rs. 1,00,000 as mentioned in words (one lakh of rupees) in paragraph 10 of the affidavit which was made by the father of the deceased boy on oath.

*Item 5 :* Under this item a sum of Rs. 7,000 has been claimed by Mr. Kunjabehari Mangaraj for damage and compensation for the alleged police julum on his son aged 14 years then reading in class IX of Srikrushna Academy, Jagatsinghpur; the boy is stated to have been severely assaulted by the police as a result of which he sustained serious injuries; thereafter he was treated at Jagatsinghpur for a few days and had to be removed to Cuttack for better, efficacious and necessary treatment in the Medical College Hospital; the boy had to be X-rayed, plastered and medicated and treated in various ways; these treatments continued for more than two months both at Jagatsinghpur as well as in Cuttack; the father who is a poor Moharir had to incur unnecessary heavy expenses to the extent of rupees two thousand for his son's treatment and continuance thereof for improvement of general health conditions; it is also stated that his son's studies got hampered on account of this unfortunate ailment; the father and the other family members had been suffering from mental worries, anxieties, agonies, loss of mental balance and stress and strain. On this basis a sum of Rs. 7,000 is claimed as all-told damage, compensation and claims stated to be payable to him by the State.

*Item 6 :* Under this item a sum of Rs. 2,500 has been claimed by Mr. Purnachandra Behera on the basis of the injury report Ext. C/36(6) showing two lacerated wounds—one  $\frac{1}{2}'' \times \frac{1}{2}''$  skin deep over the left side of chest and the other  $\frac{1}{2}'' \times \frac{1}{2}''$  skin deep over the inner side of left arm and one bullet like pass felt on the right side of

back. He was an unfortunate victim of Jagatsinghpur police firing in the course of which he was hit by a bullet on the date of the incident at Jagatsinghpur.

*Item 7 :* Under this item a sum of Rs. 1,000 has been claimed by Mr. Padmacharan Sahoo on the basis of injury report Ext. C/36 (7) which however shows that the doctor examined him and found no sign of injury on any part of his body. It is not understandable on what basis the sum of Rs. 1,000 has been claimed.

*27. Binjharpur claim :* There are 2 items of claim from Binjharpur, the total amount being Rs. 50,010.

*Item 1 :* Under this item a sum of Rs. 50,000 has been claimed by Sk. Tamizuddin, father of the deceased Sk. Gayasuddin who was killed by Binjharpur police firing. The father filed an affidavit stating that the loss that he suffered by the death of this eldest child, "his only hope of life" be compensated by money which surely can never be an adequate compensation which he valued at Rs. 50,000 (Rupees fifty thousand). The father (P. W. 13) also gave evidence. He said that his deceased son aged about 14 years 11 months was a student of 9th class of Kalyanpur School; the deceased was his eldest son; he (father) had "many hopes on the son" who was being educated and that all his hopes have been shattered; he valued his loss approximately at Rs. 50,000.

*Item 2 :* Under this item a sum of Rs. 10 has been claimed by or on behalf of Mr. Radhagobinda Das included in the list. There is no affidavit from him. The claim is on the basis of what P. W. 11 Abdul Khalak Khan of Binjharpur stated in his evidence before the Commission. Mr. Abdul Khalak Khan stated that he saw the police beating Mr. Radhagobinda Das who is a Homoeopathic doctor; that the military police beat him with lathis; after assault he fell down there; due to assault he sat down with his hands on the head

when the police kicked him with boots and threw him on the southern side of the embankment (P. W. 11, Abdul Khalak Khan Qq. 27, 28, 32). There is no injury report.

28. *Banki claim* : There were two items of claim, one of the sum of Rs. 250 on behalf of Mr. Harihar Swain and the other of the sum of Rs. 100 on behalf of Mr. Lakshminarayan Misra, the total amount being Rs. 350.

*Item 1* : Under this item, a sum of Rs. 250 has been claimed by or on behalf of Mr. Harihar Swain for loss of his cycle on the basis of the affidavit and evidence of P. W. 14 Mr. Dhruba Charan Lenka as discussed in paragraph 15 of this Chapter. P. W. 14 Mr. Lenka said in evidence that the cycle of Mr. Harihar Swain was seized by the police and it had not yet been delivered back to Mr. Swain (P. W. 14 Dhruba Charan Lenka Qq. 32-33).

*Item 2* : Under this item, a sum of Rs. 100 has been claimed by or on behalf of Mr. Lakshminarayan Misra on the basis of the affidavit and evidence of P. W. 14 Mr. Dhruba Charan Lenka and the admission and discharge certificate of Government Hospital, Banki Ext. 33 as discussed in paragraph 15 of this Chapter. P. W. 14 Mr. Lenka said in evidence that Mr. Lakshminarayan Misra, among others, was severely assaulted by the police during the lathi charge under the banyan tree at Banki court premises. (P. W. 14 Dhruba Charan Lenka Q. 21)

29. *Salipur claim* : There is only one item of claim from Salipur.

*Item 1* : Under this item a sum of Rs. 200 has been claimed by or on behalf of Mr. Rajindra Biswal on the basis of the affidavit of Mr. Gourishyam Panda as discussed in paragraph 16 of this Chapter.

30. *Berhampur claim* : There are 20 items of claim, the total amount being Rs. 56,650.00. This amount includes Rs. 50,000 claimed as damages by Mr. Surendranath Acharya, for the death of his son Basanta Kumar Acharya who was killed by Berhampur police firing.



*Items 1 to 5, 7, 8 and 10 to 18 :* Under these items a sum of Rs. 3,050 has been claimed mostly by students for the injuries they suffered respectively on the basis of the respective injury reports Ext. 50 series. The nature of injuries suffered by each of them appears from the injury reports tendered in evidence.

*Item 6 :* Under this item a sum of Rs. 500 has been claimed by Mr. G. Mathews for bullet injury suffered by him supported by the affidavit and evidence of his brother Mr. G. Debdas (P. W. 8) who also deposed before the Commission, all as hereinbefore discussed in paragraph 17 of this Chapter.

*Item 9 :* Under this item a sum of Rs. 100 has been claimed by Mr. G. C. Satpathy, a prominent student leader of Khallikote College, Berhampur for injury suffered by him on the basis of the injury report Ext. C/50(9). He filed an affidavit about the incident at Berhampur in which students including himself are stated to have been mercilessly beaten as stated therein. He (P. W. 16) also gave evidence before the Commission, where he said that he was injured and went to the hospital for treatment of his injury.

*Item 19 :* Under this item, a sum of Rs. 3,000 has been claimed by Narayan Naik for bullet injury suffered by him on the basis of the injury report Ext. C/50(19) and his petition Ext. C/63 as discussed in paragraph 18 of this Chapter.

*Item 20 :* Under this item, a sum of Rs. 50,000 has been claimed by Mr. Surendranath Acharya, Sub-Inspector of Schools, Lower Subordinate Educational Service as damages for the death of his son Basanta Kumar Acharya who was killed as a result of police firing at Berhampur. The material

facts showing the nature of the loss, damage and injury to person and property suffered by the deceased father and his family as stated in the affidavit, petition and the evidence of the deceased boy's father Mr. Surendranath Acharya (P. W. 17) are these :

- (a) His deceased son Basanta was his first and eldest son. After completing three year collegiate studies in the Khallikote College, Berhampur, the young man was reading in the B. Sc. (final year) class of the said college.
- (b) In paragraph 16 of his petition dated March 19, 1965 he stated that consequent upon the tragic death and irreparable loss of his first and eldest son, he was becoming imbecile and he was afraid that he will be preferring invalid pension near future leaving the entire family to their in the fate.
- (c) He prayed for consideration of his case to grant adequate compensation to his poor and bereaved family having regard to the circumstances fully stated in his petitions.
- (d) In evidence, he said about his family circumstances; it was on this boy that the father hoped to depend; in fact, in order to give him education, his wife ( the deceased boy's mother ) had to serve in an aided-Government M. E. School for girls; with much difficulty they were able to give education to the deceased boy so far and he went up to B. Sc. final year class.
- (e) The father's grievance is that his deceased son's dead body was not handed over to him; he was a Government servant and the Government knew his address; he was only staying at Polsara 47 miles from Berhampur, and so Government ought to have given him a piece of information to know at least about his death; so far he had not received any information from the Government; he also said that Government ought to have written to him a line; Government did not inform

him till that moment; the poor unfortunate father felt very sad that the dead body was not handed over to him and that he did not get any information as to who burnt the dead body of his son. (P. W. 17) Surendranath Acharya (Qq. 5, 6).

- (f) Naturally, all these things are matters over which he, as a father, felt shocked and that was how he felt about the incident as stated by him in answers to Qq. 4 to 8 in evidence.
- (g) He did not mention any specific amount as compensation in his affidavit or in evidence. In his petition dated March 19, 1965 he prayed for adequate compensation.
- (h) The claim of Rs. 50,000 as mentioned in the list is apparently on the basis that the deceased Basanta was a young man with normal expectation of life; the deceased's family would have expected him to live long enough to be a source of income for the members of the family including his old parents, brothers and sisters, the particulars whereof are fully mentioned in the petition annexed to the affidavit of his father Mr. Surendranath Acharya.
- (i) The untimely tragic death of the son also affected the father financially in that by reason of the mental shock due to the tragic death of his eldest son, he (the father) was physically and mentally so affected that he would be compelled to leave service on invalid pension as stated in his petition.
- (j) Having regard to all these circumstances, the amount claimed by or on behalf of the father of the deceased Basanta Kumar Acharya is Rs. 50,000 as the estimated money value of the loss damages and injuries that he (the father and his family) suffered both mentally and physically.

31. *Bargarh claim* : There are 25 items of claim from Bargarh, the total amount claimed being Rs. 31,867-00.

*Items 1 to 5, 7, 9 to 11, 13 to 16, 18, 19, 21 and 22:*  
Under these items, a sum of Rs. 3,350 has been claimed by different persons from Bargarh for

loss, damages and injuries caused to them in course of police action during the students' movement at Bargarh as per injury reports Ext. C/85 series purporting to show the nature of injuries suffered by each of them.

*Item 6:* Under this item, a sum of Rs. 2,500 has been claimed by Mr. Padma Lochan Panda, an Advocate, for injuries including a head injury on him, which he got as a result of lathi charge by the police constables in self-defence, in the circumstances fully discussed in the chapter dealing with the incident at Bargarh on October 28; the nature of injuries is one lacerated wound  $1\frac{1}{2}'' \times 1'' \times$  scalp deep oblique right parietal, one contusion  $2'' \times 1''$  oblique left shoulder and two abrasions as mentioned in the injury report Ext. C/85(6). Apart from the injury report, two photographs Exts. 39 and 39A purporting to show Mr. Padma Lochan Panda with bandages on his head and right fore-arm were also relied on. There is, however, no affidavit from Mr. Padma Lochan Panda showing on what basis the sum of Rs. 2,500 has been claimed as per the list.

*Items 8, 12, 17, 20 and 23 to 25 :* Under these items, a sum of Rs. 26,017.00 has been claimed by different persons from Bargarh for loss, damages and injuries suffered by each of them as already discussed in paragraphs 19 to 22 of this chapter. It is unnecessary to repeat the same herein.

**32. Balangir-Kalahandi claims :** There are two items of claim, the total amount of claim being Rs. 1,500 including claim of Rs. 500 by Mr. Sushilkumar Panda (P. W. 33) and the claim of Rs. 1,000 by Mr. Pardeshi Naik for loss, damages and injuries suffered by each of them. In evidence P. W. 31 Mr. Sushilkumar Panda stated that he was kicked with boots and given fist blows; he claimed Rs. 500 for physical and mental suffering (Qq. 36—38). The nature of the loss, damage and injury suffered by Mr. Sushilkumar Panda has been discussed in paragraph 23 of this chapter.

As regards Mr. Pardeshi Naik he filed an affidavit and did not give evidence. The nature of loss, damage and injury suffered by him has been discussed in paragraph 6 of this chapter.

33. *Bhubaneswar claim* : There are in all 13 items of claim, the total amount being Rs. 12,150-00. All these claims are for loss, damages and injuries said to have been suffered by each of these claimants in course of police action—lathi charge, use of teargas and firing—on the basis of injury reports Ext. 68 series [(from Ext. 68 (89) to Ext. 68 (101)].

*Item 1* : Under this item a sum of Rs. 5,000 has been claimed by Banamali Das, a boy of 15 years who was hit by a gunshot bullet as per injury report Ext. C/68 (89) purporting to show gunshot injury on the left thigh middle third wound of entry measuring  $\frac{1}{2}'' \times \frac{1}{2}''$ —(punctured wound). The basis on which he claimed Rs. 5,000 is indicated both in his affidavit and in his evidence before the Commission. The relevant portion of his affidavit as translated into English is this:

"The applicant was treated at the hospital for about 3 months but his left leg is not working like the other one. Moreover as it has become shorter than before for the injury caused by bullet the applicant has become lame and so to say partly useless for all days to come. The applicant was bed-ridden for 3 months. His father has spent much on him for treatment, food incurring loan, but has not got any help from the Government."

In his evidence before the Commission as P. W. 21 he also stated that he was in the hospital for about three months; he is not capable of walking as usual or as he was doing previously; his leg has shortened; when he was in the hospital, his father was defraying the expenses with regard to medicine and other things; his father was getting the money for these expenses by incurring loan. While deposing before the Commission he also showed by demonstration how, as a result of injury, he was walking with awkward gait. After the

bullet hit him, he is not getting the same strength in his leg which he had previously (P. W. 21 Banamali Das Qq. 37 to 39, 60 to 64). His affidavit and his evidence show the nature of loss, damages and injuries suffered by him.

*Item 2 :* Under this item, a sum of Rs. 5,000 has been claimed by Mr. Dibakar Rath for gunshot injury suffered by him by police firing at Bhubaneswar. The injury report in respect of that is Ext. C/68 (90) which shows the nature of the injury, namely two gunshot wounds one  $\frac{1}{4}'' \times \frac{1}{4}'' \times 7''$  middle of right thigh and the other  $\frac{1}{4}'' \times \frac{1}{4}'' \times 7''$  middle of left thigh. The injury report also shows that he was struck with bullet due to firing near Capital Police Station.

*Item 7 :* Under this item a sum of Rs. 100 has been claimed by Mr. Umesh Chandra Mohanty for loss, damages and injuries suffered by him as having been assaulted in the course of lathi charge during police action at Bhubanewar as per injury report Ext. C/68 (95) purporting to show that he had one simple contusion  $3'' \times 1\frac{1}{2}''$  outer side of the middle third of the left thigh. In his affidavit he did not mention anything about his injury. In his (P. W. 19) evidence he said that he was hit, but it was not very serious ; immediately after he received lathi blow, he went to the hospital for treatment and remained there as an indoor patient in the hospital from October 28 to November 4; he was discharged after 4 or 6 days; he described the nature of injury on him as one blow on his right thigh, and it was not very painful nor was it serious and it was the only injury.

*Items 3 to 6 and 8 to 13 :* Under these items, a sum of Rs. 2,050 has been claimed by each of the claimants for injuries which they are said to, have suffered as per their respective injury reports

Ext.68 series. The amount varied from Rs. 50 to Rs.500 presumably on the basis of the nature of the loss, damages and injuries suffered by them each. Apart from the injury reports, none of them filed affidavit in support of their respective claims.

34. *Sambalpur claim* : There are two items of claim. The total amount of claim is Rs. 750 for loss, damages and injuries stated to have been suffered by each of them.

*Item 1* : Under this item, a sum of Rs. 500 has been claimed by or on behalf Mr. Abdul Mallick, a student of Burla Medical College for loss, damage and injury suffered by him as having been assaulted in course of lathi charge by the police during the incident at Sambalpur court area on October 24 as per injury report Ext. C/75(1) showing that he had one lacerated wound  $\frac{3}{4}'' \times \frac{1}{4}'' \times 1/6''$  on the right side of middle of scalp  $3\frac{1}{2}''$  from the midline probably caused by a hard blunt weapon such as lathi or stone, three abrasions  $\frac{1}{4}'' \times \frac{1}{4}''$  on the base of right palm and  $\frac{1}{4}'' \times \frac{1}{4}''$  on the front of the right knee probably caused by fall on rough and hard ground and  $1/3'' \times \frac{1}{4}''$  on the dorsum of the left thumb probably caused by a hard blunt weapon such as a stone.

*Item 2* : Under this item, a sum of Rs. 250 has been claimed by or on behalf of Mr. Tribikram Tripathy, a journalist, stated to have been injured in course of lathi charge during the incident on October 24 at Sambalpur in court area on the basis of the injury report Ext. C/75 (2) which only shows this :

“No sign of any injury. There was only redness on the eyes and he was complaining of burning pain on the face (on the date of admission in hospital).”

Apparently he was admitted into the hospital for treatment of burning of eyes due to teargas. P. W. 22 Mr. Murarilal Seth in his affidavit mentioned about Mr. Tribikram Tripathy having fallen down unconscious as a result of teargas. Mr. Murarilal Seth in his evidence also mentioned about Mr. Tribikram Tripathy having fallen down when there was teargassing.

35. The list of loss and damages—caused to students as also some members of the public at different places during the agitation—dated the 25th April 1966 submitted by the learned counsel for the students and the public, is hereto annexed for reference as a part of this chapter purporting to show damages and injuries to person and property stated to have been sustained by them.

**C. Statement of loss/damage to properties during the students' agitation submitted by the administration :**

36. On behalf of the administration, a statement has been filed, showing the nature and extent of loss and damage to Government properties, properties of the Government officials other than the police, properties of police personnel and properties of private individuals in respect of which different cases were registered at different police stations, with details given districtwise. The statement was annexed as Appendix A to the affidavit of Mr. Paramananda Biswal, DSP on special duty in the office of the I.-G. in connection with the present Commission of Enquiry.

37. In his affidavit dated the 29th April 1965 Mr. Paramananda Biswal stated that he prepared the statements of loss/damages to the property, sustained as a result of various incidents that occurred during the students' agitation in different districts of the State ; that for convenience he prepared separate statements for affected districts and allotted separate serials under Appendix A ; that the nature and extent of loss and damages stated in Appendix A are based on affidavits of different individuals referred to therein and on official records as available in the office of the concerned SP of each district ; that the extent



of loss/damages to property as distributed under different heads is stated as follows :

	Rs.	P.
(a) Government property ..	78,885	53
(b) Property of the Government officials other than the police.	3,655	77
(c) Property of police personnel ..	17,667	96
(d) Property of the private individuals ..	1,22,051	28
Total ..	2,22,260	54

38. The loss and damages suffered by the Post and Telegraphs Department during the agitation are not however included in the above mentioned estimate of loss and damages. The extent of loss and damages to the Postal Department is Rs. 4,800 as communicated by the Deputy Director (Eng.) Post and Telegraphs. The nature of such loss and damages to the Postal Department appears from an extract from the letter of the Deputy Director Post and Telegraphs ; it shows that their loss of Rs. 4,800 includes a major item of Rs. 3,000 being the extent of loss on account of repair of tele-communication lines (both telegraph and trunk) which were cut at several places in between Cuttack-Jagatsinghpur and Kujang, Cuttack-Baghmari, A. I. R. Studio-transmitter at Fakirpada, Cuttack-Kendarapara, Dhenkanal, Kamakhyanagar and on account of breaking of some glass window panes of the Post Office building and of the Public Call Office booth. The nature and extent of loss/damages at other places as described in the said extract and quoted in the affidavit of Mr. Biswal are that six telephone DPs were burnt along with two telephone sets at Bhubaneswar and lines were cut at several places and were repaired which all caused loss/damages to the extent of Rs. 1,400; one subscriber's telephone was burnt and lines cut at several places at Berhampur (Gm.) and the posts near Hinjilicut of the Berhampur-Phulbani trunk line was uprooted which caused loss of Rs. 400.

39. *Loss of Government property*: The total extent of loss as shown under this heading is Rs. 78,885.53 as stated above. This includes, among other items—

Rs. 4,200 .. Loss on account of damage to jeep which was burnt by fire by the mob on September 27;

Rs. 6,100	..	Loss on account of two ASI's quarters in Jagatsinghpur PS premises being burnt by the mob;
Rs. 7,800 Rs. 21,800	}	Loss on account of damage to culverts and road on Cuttack-Jagatsinghpur Road and damage to bridge near Purohitpur on Jagatsinghpur-Jaypur respectively;
Rs. 16,943.34 Rs. 3,877.00	}	Loss on account of damages to furniture and records of Judicial Magistrate, Banki and damages to furniture, building, door screen etc. to the office of the Tahasildar, Banki respectively;
Rs. 6,645	..	Loss on account of damages to motor car, wooden gate, bed cots, and sheets burnt by the public in the quarters of SDPO, Berhampur;
Rs. 1,896	..	Loss on account of damage to one bridge and road near Reamal in the district of Sambalpur;
Rs. 1,320	..	Loss on account of damages to window screen, glass of one police truck and jeep of SP and DM Sambalpur;
Rs. 600	..	Loss on account of damage to a portion of thatched roof of Kanhia PS being set on fire and also breaking the tiled portion of the room with pelting of brickbats by the mob on 22nd November 1964 ;
Rs. 600	..	Loss on account of damages to front windscreen glass left door side glass and body with mudguard of a vehicle of S P, Keonjhar.

40. Apart from the above mentioned major items of loss to Government property there are also other smaller items of loss of such nature as loss of beret cap, helmet, examination

papers of students, note book, uniform, removal of signboards, damage to STS bus, gate of PS thatch of PS, house, removal of seized fire works, telephone box, electric lines, compound walls, removal of short lathi, pugree, belt, putti, damage to 410 bore muskets and cycles.

41. *Loss of property of the Government officials other than the police* : The total extent of loss as shown under this heading in the statement is Rs. 3,655·77. This includes, among other items, a sum of Rs. 1,581·65 and Rs. 1,986·00 being the loss on account of damage to the building and other personal properties respectively of Mr. H. K. Ghosh, IAS, Secretary, Finance Department. The nature of loss/damage in respect of other items is stated to be loss of garments Rs. 73·12 and damage to spectacles Rs. 15.

42. *Loss of property of police personnel* : The total extent of loss sustained by the police personnel is stated to be Rs. 17,667·96 p. This includes, among other items—

Rs. 446·00	}	Loss on account of damage to the personal properties of Mr. Waiz Mohammad, Circle Inspector, Mr. Bhagaban Mohanty, Mr. Sisir Kumar Mohapatra and Mr. Brahmananda Naik, ASI's of Police all of Jagatsingpur respectively for their quarters being set on fire by the mob;
Rs. 3,463·75		
Rs. 1,143·00		
Rs. 835·50		
Rs. 1,996·00 ..		Loss on account of damage to clothings, furniture, crockeries, utensils, electric iron, stove, time piece, electric bulb, thermoflask, gramophone records and sound box, one radio set and toys of Mr. Bhikari Charan Pradhan, Head Assistant, Office of the DIG, Southern Range, Berhampur on his quarters being set on fire and things being broken by the mob.
Other numerous items.	}	Loss/damage under other items is stated to be in respect of damage to cycles, fountain pens, watch, uniform, batons, clothes, bunch of keys and cash the nature and extent of which all are given in the statement annexed to the affidavit of DSP, Mr. Paramanand Biswal.

43. *Loss of property of private individuals*: The total extent of loss as shown in the statement under this heading is Rs. 1,22,051·28 P. This includes, among other items :

Rs. 3,014·68	..	Loss on account of damage to radios and radio parts of Mr. Uma Shankar Lal, Proprietor, Majestic Radio Shop, Station Bazar, Cuttack;
Rs. 25,149·00	..	Loss on account of damage to building, furniture, electrical equipment and connection, utensils, crockeries, and food stuff of Mr. Biju Patnaik at Bhubaneswar due to breaking and burning by the mob;
Rs. 1,636·00	..	Loss on account of damages to the grocery articles, electrical material and furniture of Mr. S. Malikarjun, Proprietor, Lakshmi Bhandar, Bhubaneswar his shop being set on fire by the public;
Rs. 4,749·00	..	Loss on account of damage to the building of Mr. Satyapriya Mohanty, Minister due to the mob setting fire to it and the breaking of things;
Rs. 83,530·00	..	Loss on account of damage to furniture, table fan, books, plastic case, hard make ply wood, teak wood, timbers, workshop tools, tin plates, carpenters' tools, wrist watches, clothes, cash, car, musical instruments, jewellery and radio extension set due to arson and looting by the mob in the shop known as Shree Enterprises at Bhubaneswar ( represented by Sri Ved Prakash ).
Rs. 1,131·00	..	Loss on account of damage to building, furniture and spare parts of M/s. Kalinga Automobiles due to looting and breaking of articles by the mob.
Various other minor items	}	Loss/damage under other items is stated to be in respect of various minor articles, the nature and extent of which are given in the statement.

44. A copy of the statement of loss/damage to properties being Appendix A to the affidavit of Mr. Paramananda Biswal, DSP is annexed hereto for reference as a part of this chapter.

#### **D. Findings of the Commission**

45. On an analysis of the affidavits, evidence, the list and the statement filed herein and in the light of the foregoing discussion, the Commission finds :

- (a) that according to the students and the public the nature of loss, damage and injury to person and property sustained by them as a result of various incidents that occurred during the said agitation includes physical injury, cost of treatment, mental shock and agony and loss of property as mentioned in the list (read with the affidavits) said to be all due to police action for which they have claimed money compensation on their own assessment of the nature of such loss/damage and injury stated to have been suffered by them;
- (b) that the claims made on behalf of the students and the public also include estimated money compensation as damages on account of loss of lives due to death caused by police firing and as the effect of such death on the family's financial condition and consequential frustration in the minds of the parents and the other members of the family due to loss of prospects of source of income and expectation of possible help if the deceased persons were alive;
- (c) that according to the administration, the nature of loss, damage and injury as shown in the statement submitted on behalf of the administration is all on account of loss/damage to Government property, property of Government officials including the police personnel and property of private individuals said to have been caused by the mob during the agitation for which information was lodged with the police station; there is no claim on account of any physical injury to person or mental shock or agony;
- (d) that the statement submitted on behalf of the administration includes major items of claims for loss/damage to property of private individuals said to have been caused by looting and arson supported by affidavits of such individuals or by their agents.

**LIST OF LOSS AND DAMAGES AS SUBMITTED BY THE LEARNED  
COUNSEL FOR THE STUDENTS AND THE PUBLIC**

*List of loss and damages caused to students in Cuttack Town*

- |                             |  |    |   |
|-----------------------------|--|----|---|
| 1. Gokul Chandra Das,       | Rs. 529.50   | .. | At page 5 annexed to the affidavit and Ext. 22 of Shri M. N. Roy, page 507, Lecturer, Christ College, Part III, Vol. 2. |
| 2. Subhas Chandra Nayak.    | Rs. 765.00   | .. | Part I and at page 7 annexed Ext. 200 to the affidavit, page 505, Part III of M. N. Roy, Christ College, Cuttack.       |
| 3. Satchidana n d a Roy.    | Rs. 233.00   | .. | Part I at page 7 annexed to the affidavit of M. N. Roy, Christ College, Cuttack, Ext. 21, page 506, Part III, Vol. 2.   |
| 4. Kanheilal Seth           | Rs. 885+<br>Rs. 100 for in-<br>jury, at page<br>107 of Part III<br>Vol. 2. |    | At page 76 annexed to the affidavit of Sailesh Chandra Pradhan, M. S. Law College Hostel, Cuttack, Part I.              |
| 5. Rajendra Prasad Panda.   | Rs. 938.00   | .. | At page 77, Part I annexed to the affidavit of Sailesh Ch. Pradhan, M. S. Law College, Cuttack (Hostel).                |
| 6. Rabindr a n a t h Panda. | Rs. 862.00   | .. | Part I at page 77 annexed to affidavit of Sailesh Chandra Pradhan, M. S. Law College Hostel, Cuttack.                   |
| 7. Abhaya Charan Patnaik.   | Rs. 663.05   | .. | At page 78, Part I annexed to the affidavit of Sailesh Chandra Pradhan, M. S. Law College, Hostel, Cuttack.             |
| 8. Judhistir S a h u        | Rs. 244.00   | .. | At page 79, Part I annexed to the affidavit of Sailesh Chandra Pradhan, M. S. Law College Hostel, Cuttack.              |
| 9. Akhoy k u m a r Patnaik. | Rs. 950.00   | .. | At page 80, Part I annexed to the affidavit of Sailesh Ch. Pradhan, M. S. Law College Hostel, Cuttack.                  |
| 10. Ramacha n d r a Mishra. | Rs. 987.00   | .. | At page 81, Part I annexed to the affidavit of S. C. Pradhan.   |
| 11. Bhuba n a n d a Biswal. | Rs. 150.00   | .. | At page 82, Part I annexed to the affidavit of above S. C. Pradhan.   |

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Rs. 7,306.55

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12. Baidhar Barik ..	Rs. 270.00	.. At page 83, Part I annexed to the affidavit of above.
13. Krushna Ch. Gochhikar.	Rs. 634.83	.. At page 84, Part I annexed to the affidavit of Shri S. C. Pradhan above.
14. Radhasyam Agrawala.	Rs. 340.00	.. At page 85, Part I annexed to the affidavit of Shri S. C. Pradhan above.
15. Srikrishna Chaitanya Das.	Rs. 874.00	.. At page 86, Part I annexed to the affidavit of Shri S. C. Pradhan above.
16. Lalmohan Nayak and	Rs. 517.00	.. At page 87, Part I annexed to the above S. C. Pradhan's affidavit.
	+	
Damage done to him by causing serious physical injury.	Rs. 1,400.00	.. Page 209 of Part III, Vol. 2
	<u>Rs. 1,917.00</u>	
17. Asok Kumar Chakravarty.	Rs. 340.00	.. At page 88, Part I annexed to the affidavit of Shri S. C. Pradhan.
18. Harishchandra Supakar.	Rs. 267.00	.. At page 89, Part I annexed to the affidavit of Shri S. C. Pradhan above.
19. Cr. Marandi ..	Rs. 1,945.25	.. At page 90, Part I annexed to the affidavit of Shri S. C. Pradhan above.
20. Rabindranath Kanungo.	Rs. 774.00	.. At page 91, Part I annexed to the affidavit of above S. C. Pradhan.
21. Ratnakar Das	Rs. 949.00	.. At page 92, Part I annexed to the above affidavit of S. C. Pradhan.
	+	
For injury	Rs. 300.00	.. And at page 245 of Part III, Vol. 2
22. Sailesh Ch. Pradhan.	Rs. 773.00	.. Annexed to his affidavit, at page 93, Part I and page 225 of Part III, Vol. 2
	+	
Damages done by causing serious injury.	Rs. 300.00	
	<u>Rs. 1,073.00</u>	
23. Durgacharan Bhutia and others.	Rs. 3,290.00	.. At page 97, Part I affidavit of Durgacharan Bhutia.
	+	
24. Saratchandra Jena.	Rs. 1,800.00	.. This affidavit at page 109, Part I
	+	
	Rs. 250.00	Ext. 30 page 515 of Part III, Vol. 2
	for injury	
	<u>Rs. 22,330.63</u>	

25. Premanada Panigrahi.	Rs. 50.00	.. At page 199 of Part III, Vol. 2
26. Lakshmidhar Singh.	Rs. 50.00	.. At page 193 of Part III, Vol. 2
27. Jadabananda Mohapatra.	Rs. 200.00	.. At page 195 of Part III, Vol. 2
28. Rabinarayan Mohanty.	Rs. 100.00	.. At page 197 of Part III, Vol. 2
29. Padmacharan Parida.	Rs. 1,000.00	.. At page 202 of Part III, Vol. 2
30. Satybadi Saran	Rs. 100.00	.. At page 205 of Part III, Vol. 2
31. Sarat Kumar Mohapatra.	Rs. 100.00	.. At page 221 of Part III, Vol. 2
32. Radhakanta Agarwala.	Rs. 250.00	.. At page 223 of Part III, Vol. 2
33. Niranjana Sarangi.	Rs. 250.00	.. At page 229 of Part III, Vol. 2
34. Radhakanta Patra.	Rs. 250.00	.. At page 231 of Part III, Vol. 2
35. Nabin Singha-samanta.	Rs. 303.00	.. At page 233 of Part III, Vol. 2
36. Paramananda Acharya.	Rs. 50.00	.. At page 235 of Part III, Vol. 2
37. Rabindranath Mohanty.	Rs. 300.00	.. At page 237 of Part III, Vol. 2
38. Krushna Chadra Das.	Rs. 100.00	.. At page 239 of Part III, Vol. 2
39. Prafulla Kumar Mohanty.	Rs. 200.00	.. At page 241 of Part III, Vol. 2
40. A. K. Chakravarty.	Rs. 200.00	.. At page 243 of Part III, Vol. 2
41. Dolagovinda Samal.	Rs. 500.00	.. At page 247 of Part III, Vol. 2
42. Harish Mohapatra.	Rs. 200.00	.. At page 250 of Part III, Vol. 2
43. A. Mohapatra	Rs. 200.00	.. At page 260 of Part III, Vol. 2
44. Mangal Singh	Rs. 100.00	.. At page 262 of Part III, Vol. 2
45. Satchidananda Sahoo.	Rs. 200.00	.. At page 268 of Part III, Vol. 2
46. Anadinath Sharma.	Rs. 100.00	.. At page 271 of Part III, Vol. 2
47. Prafullakumar Patnaik.	Rs. 200.00	.. At page 272 of Part III, Vol. 2

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Rs. 27,330.63

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48. R a j a k i s h o r e Rs. 250·00 .. At page 274 of Part III, Vol. 2  
Mishra.
49. Alekha c h a r a n- Rs. 200·00 .. At page 276 of Part III, Vol. 2  
Mohanty
50. Nityanada Pani Rs. 250·00 .. At page 273 of Part III, Vol. 2
51. Ratikanta Mohanty Rs. 100·00 .. At page 280 of Part III, Vol. 2
52. Raj Gopalan Rs. 100·00 .. At page 282 of Part III, Vol. 2
53. Siba Pradhan Rs. 150·00 .. At page 284 of Part III, Vol. 2
54. Gopa l s u n d a r- Rs. 100·00 .. At page 288 of Part III, Vol. 2  
Pattnaik.
55. Sarat c h a n d r a- Rs. 100·00 .. At page 290 of Part III, Vol. 2  
Satpathy.
56. Bra h m a n a n d- Rs. 50·00 .. At page 292 of Part III, Vol. 2  
Mahallick.
57. Jaladhar Sahu Rs. 50·00 .. At page 294 of Part III, Vol. 2
58. Dasarathi Nayak Rs. 50·00 .. At page 296 of Part III, Vol. 2
59. Banambar Martha Rs. 250·00 .. At page 306 of Part III, Vol. 2
60. Trilochan Kanungo Rs. 100·00 .. At page 308 of Part III, Vol. 2

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Rs. 29,080·63

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JAGATSINGHPUR

1. Chittar a n j a n Rs. 250·00 .. Ext. C/36(8) page 605 of Part III,  
Pradhan. Vol. 3
2. G. Das of Rs. 130·00 .. At page 123 of Part I affidavit of  
Purohitpur. Dhrubacharan Patnaik.
3. Jyotirmaya Pat- Rs. 500·00 .. Page 126 of Part I  
Naik.
4. J a g a n n a t h Rs. 10,000·00 .. Page 128 Part I  
Mohanty.
5. Kunja b e h a r i Rs. 7,000·00 .. At page 130 (6) of Part I this  
Mangaraj. affidavit.
6. Furna c h a n d r a Rs. 2,500·00 .. Ext. C/36 (6) at page 607 of Part  
Behera. III, Vol. 3.
7. Padmach a r a n Rs. 1,000·00 .. Ext. C/36 (7) page 603 of Part II,  
Sahoo. Vol. 3.

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Rs. 21,380·00

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## BINJHARPUR

1. Sk. Tarriuddin Rs. 50,000-00 .. At page 135, Part I of his affidavit
2. Radhagovinda Das Rs. 10-00 .. According to the deposition of Khalak Khan at page 1944 Part II, Vol. 12.

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Rs. 50,010

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## BANKI

1. Harihar Swain Rs. 250-00 . At Page 137 of Part I affidavit of Dhrubacharan Lenka.
2. Lakshminarayan Rs. 100-00 . Ext. 33, page 884 of Part III, Vol. 3 Mishra.

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Rs. 350-00

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## SALIPUR

1. Rajendra Biswal Rs. 200-00 .. Page 142 of Part I

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Rs. 200-00

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## BERHAMPUR

1. Ramachand r a Rs. 500-00 .. Ext. C/50 (1), page 708, Part III, Vol. 3.  
Rath.
2. M. Ven k a t Rs. 100 00 .. Ext. C/50 (2), page 716, Part III, Vol. 3.  
Ramaya.
3. Basantakumar Rs. 50-00 .. Ext. C/50 (3), page 712, Part III, Vol. 3.  
Panda,
4. Dambaru Pani- Rs. 250-00 .. Ext. C/50 (4), page 714, Part III, Vol. 3.  
grahi.
5. Chitaran Sahu Rs. 100-00 .. Ext. C/50 (5), page 716, Part III, Vol. 3.
6. G. Mathews .. Rs. 500-00 .. Ext. C/62 and Ext. C/50 (6), page 184, Part I, page 718, Part II, Vol. 3.
7. R a j a r a m Rs. 500-00 .. Ext. C/50 (7), page 720, Part III, Vol. 3.  
Mohapatra.
8. A. Narayan .. Rs. 500-00 .. Ext. C/50 (8), page 722, Part III, Vol. 3.
9. Gopalcha n d r a Rs. 100-00 .. Ext. C/50 (10), page 724, Part III, Vol. 3.  
Satpathy.

10. Prafulla Kumar Sahoo.	Rs.	150·00	..Ext. C/50 (10), page 726, Part III, Vol. 3.
11. Prafulla Kumar Behera.	Rs.	150·00	..Ext. C/50 (11), page 728, Part III, Vol. 3.
12. D. Venkatarama	Rs.	250·00	..Ext. C/50 (12), page 730, Part III, Vol. 3.
13. Parikhita Panda	Rs.	150·00	..Ext. C/50 (13), page 732, Part III, Vol. 3.
14. T. S. B. Patra ..	Rs.	50·00	..Ext. C/50 (14), page 734, Part III, Vol. 3.
15. R. C. Rath ..	Rs.	100·00	..Ext. C/50 (15), page 736, Part III, Vol. 3.
16. P. Chaudhury ..	Rs.	50·00	..Ext. C/50 (16), page 738, Part III, Vol. 3.
17. Narasinghacharan Rath.	Rs.	50·00	..Ext. C/50 (17), page 740 of Part III, Vol. 3.
18. B. Raghunath Choudhury.	Rs.	100·00	..Ext. C/50 (18), page 742 of Part III, Vol. 3.
19. Narayan Nayak	Rs.	3,000·00	..Ext. C/50 (19), page 744 of Part III, Vol. 3.
20. Surendranath Acharya for the death of Basantakumar Acharya.	Rs.	50,000·00	..Ext. C/63 at page 877 of the same part and same Vol. and page 181 of Part I.

Rs. 56,650·00

### BARGARII

#### *As per injury report—Part III, Vol. IV*

1. Page 1188	.. Hemantakumar Naik	.. Rs. 100·00	(Injury)
2. Page 1190	.. Mrutunjaya Panda	.. Rs. 100·00	..
3. Page 1192	.. Rabindrakumar Acharya..	Rs. 100·00	..
4. Page 1194	.. Tribikram Dora	.. Rs. 100·00	..
5. Page 1196	.. Swadeshkumar Das	.. Rs. 100·00	..
6. Page 1198	.. Padmalochan Panda	.. Rs. 2,500·00	..
7. Page 1200	.. Ramkrishna Hota	.. Rs. 100·00	..
8. Page 1202	.. Mukteswar Das	.. Rs. 100·00	..
9. Page 1204	.. Shyamsundar Chapria	.. Rs. 250·00	+7·00 page 108, Par (Injury)
10. Page 1206	.. Debraj Barik	.. Rs. 100·00	..
11. Page 1208	.. Arjun Mehera	.. Rs. 250·00	..
12. Page 1210	.. Kunjabehari Pati	.. Rs. 250·00	..
13. Page 1216	.. Gajaraj Padhan	.. Rs. 100·00	..
14. Page 1218	.. Gopal Gour	.. Rs. 1,000·00	..
15. Page 1220	.. Rabinkishore Pujhari	.. Rs. 500·00	..

16. Page 1224	.. Upendra Bhoi	.. Rs. 100.00	(Injury)
17. Page 1226	.. Premaraj Pati	.. Rs. 250.00	Injury and detention.
18. Page 1228	.. Nandalal Agarwala	.. Rs. 250.00	„
19. Page 1244	.. Govinda Mehera	.. Rs. 100.00	(Injury)
20. Page 1246	.. Sagna Bhoi alias Barik	.. Rs. 100.00	„
21. Page 1250	.. Kanhu Jibari	.. Rs. 50.00	„
22. Page 1252	.. Dinabandhu Kar	.. Rs. 50.00	„
23. Page 208 of Part I.	.. Basudev Nayak	.. Rs. 10.00	„
24. Kunjaban Patra		Rs. 300.00	page 226 of Part I.
25. Radhaballav Mishra		.. Rs. 25,000	page 215 of Part I.

Rs. 31,867.00

1. Sushilkumar Panda	BOLAN GIR	.. Rs. 500.00	Page 230 of Part I.
2. Paradeshi Nayak	KALAHANDI	.. Rs. 1,000.00	Page 237 of Part I.

BHUBANESWAR  
*As per injury reports*

1. Ext. C/68 (89), page 1059, Part III, Vol. IV and page 149 of Part I Banamali Dash	Rs. 5,000.00	(Injury)
2. Ext. C/68 (90), page 1062, Part III, Vol. IV Dibakar Rath	.. Rs. 5,000.00	Do.
3. Ext. C/68 (91), page 1065, Part III, Vol. IV V. Raghav Rao	.. Rs. 500.00	Do.
4. Ext. C/68 (93), page 1067, Part III, Vol. IV Balaram Majhi	.. Rs. 100.00	Do.
5. Ext. C/68 (93), page 1069, Part III, Vol. IV Bansidhar Behera	.. Rs. 300.00	Do.
6. Ext. C/68 (94), page 1071, Part III, Vol. IV Baman Charan Khatua	.. Rs. 200.00	Do.
7. Ext. C/68 (95), page 1073, Part III, Vol. IV Umesh Chandra Mohanty	.. Rs. 100.00	Do.
8. Ext. C/68 (96), page 1075, Part III, Vol. IV M. Biswanatha	.. Rs. 100.00	Do.

9. Ext. C/68 (97), page 1077, Part III, Vol. IV		
Sachidananda Mohapatra	.. Rs. 300.00	(Injury)
10. Ext. C/68 (98), page 1079, Part III, Vol. IV		
Rohit Biswal	.. Rs. 300.00	Do.
11. Ext. C/68 (99), page 1081, Part III, Vol. IV		
Lakshmidhar Pattnaik	.. Rs. 100.00	Do.
12. Ext. C/68 (100), page 1083, Part III, Vol. IV		
Krishna Barisal	.. Rs. 100.00	Do.
13. Ext. C/68 (101), page 1085, Part III, Vol. IV		
Brundaban Naik	.. Rs. 50.00	Do.

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Rs. 12,150.00

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### SAMBALPUR

*As per injury reports*

1. Page 1122, Part III, Vol. IV		
Md. Abdul Mallick	.. Rs. 500.00	(Injury)
2. Page 1124, Part III, Vol. IV		
Tribikram Tripathy	.. Rs. 250.00	

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GRAND TOTAL .. Rs. 750.00

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Cuttack	.. Rs. 29,080.63
Jagatsinghpur	.. Rs. 21,380.00
Banki	.. Rs. 350.00
Binjharpur	.. Rs. 50,010.00
Salipur	.. Rs. 200.00
Berhampur	.. Rs. 56,650.00
Bargarh	.. Rs. 31,867.00
Bolangir	.. Rs. 500.00
Kalahandi	.. Rs. 1,000.00
Sambalpur	.. Rs. 750.00
Bhubaneswar	.. Rs. 12,150.00

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Total .. Rs. 2,03,937.63

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Sd. S. MISRA

*Advocate*

25-4-66

# APPENDIX 'A' (I)

*Statement of loss/damage to properties during the students' agitation between the 24th September 1964 to the 24th November 1964 in the district of Cuttack*

Sl. No.	Case Reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government property</i>					
1.	Mangalabag P. S. Ct. No. 331 / 64 U/s 147 / 336/341 / 332 / 379/435/ 149 I. P. C.	P. M. T./O. M. P.	1. Damage to Jeep O.R.C No. 5717 by fire by the mob. 2. Loss of one Power mike. 3. Damage to the front glass, hood, door glass of Police vehicle ORC 638 by the mob. 4. Damage to hood, plastic glass left cabin of Police vehicle ORC 7305.	Rs. 4,200-00 Rs. 463-60 Rs. 860-00 Rs. 170-00	Based on the affidavit of Shri Dadhiban Das, Inspector and Shri P. K. Misra, I. P. S. Ex. Additional Com mandant O. M. P.
		Assistant Driver Abdul Satar.	5. Loss of one Baret cap	Rs. 6-25	Ditto
		Sepoy 415 Rath.	6. Loss of one helmet	Rs. 11-50	Ditto

Sl. No.	Case Reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Personal property of Police Officers</i>					
2.	Mangalabag P.-S. Case No. 411/64 U/s 147/452/325 / 323/333/426 / 149/120B I. P.C. and 7 Cr. L. A. Act.	Shri P. K. Misra, Additional. Commandant, O. M. P. 1st Bn. Cuttack.	7. Loss/damage to uniform of Additional Commandant O. M. P., 1st Bn.	Rs. 80.50	Based on the affidavit of Shri Dadhibaban Das, Inspector and Shri P. K. Misra, I. P. S. Ex. Additional Commandant O. M. P.
<i>Government property</i>					
2.	Mangalabag P.-S. Case No. 411/64 U/s 147/452/325 / 323/333/426 / 149/120B I. P.C. and 7 Cr. L. A. Act.	S. C. Medical College Hospital, Cuttack.	7. Damages to glass panes and examination papers etc., by the students.	Rs. 94.00	Based on the affidavit of Shri A. C. Mohanty, O.I.C. Mangalabag P. S.
<i>Government property</i>					
3.	Mangalabag P.-S. Case No. 412/64 U/s. 147/332/379/149/ I.P.C. and Section 7 Cr. L. A. Act.	Shri B. Sarangi, Reporter Inspector S. B. Cuttack.	8. Loss of a Note Book	Rs. 0.75	Based on records (official)
<i>Personal property of Police Officers</i>					
4.	Mangalabag P.-S. Case No. 329/64, U/s. 147/337 / 451 / 323/380/332/ 149 I. P. C.	Shri M. A. Khan, D. S. P. Cuttack City. Shri A. C. Mohanty, O. I. C. Mangalabag P. S.	9. Loss of two batons	Rs. 5.00	Based on the affidavit of Shri M. A. Khan, D. S. P. and Shri A. C. Mohanty, O. I. C. Mangalabag P. S.
<i>Personal property of Government servants other than Police Officers</i>					
Ditto		Shri U. C. Padhi, S.D.O., Cuttack.	10. Damage to spectacles	Rs. 15.00	Based on statement of Shri U. C. Padhi, S. D. O., Cuttack.

*Personal Property of public*

4. Mangalabag P. S. Case No. 329/64, U/s 147/337/451/323/380/332/149, IPC. Shri Uma Shankar Lal, Proprietor, Majestic Radio Shop, Station Bazar, Cuttack. 11. Loss and damage to Rs. 3,014-68 Radios and Radio parts. Based on the affidavit of Shri Uma Shankar Lal and Inspector Shri Usman Noor.

*Government Property*

5. Lalbag P. S. Case No. 380/64, U/s 143/379, IPC. Government supply to C/1973 K. B. Gahir of Kafia O. P. & C/1381 Dinabandhu Dalei of Khatbin-sahi O. P. 12. Loss of Uniform of Rs. 93-00 the Constables on duty at Cuttack Chandi Phone Box. Based on the affidavit of S. I. Shri Parsuram Singh.

*Personal property of Police Officers*

- C/1973 K. B. Gahir of Kafia O. P. & C/1381 Dinabandhu Dalei of Khatbin-sahi O. P. 13. Loss of clothes of the Constables on duty at Cuttack Chandi Phone Box. Ditto

*Government Property*

6. Lalbag P. S. S. D. E. No. 962, dated the 24th October 1964. P. M. T/S. O.P. Cuttack. 14. Damage to hood of Jeep MRB. 31 by the arrested students while being escorted. Based on official records

*Government Property*

7. Jagatsinghpur P. S. Case No. 170/64, U/s 148/149/436/380/337/332/342/323/426, IPC. P. W. D./Police Quarters. 15. Damages to two Rs. 6,100-00 A. S.-I.'s quarters in Jagatsinghpur P. S. premises by setting fire. Based on the affidavit of Inspector Waj Mahamed and P. Sectional Officer R. N. Mohanty.



Sl. No.	Case reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Personal properties of Police Officers</i>					
	Jagatsinghpur P. S. Case No. 170/64, U/s. 148/149/436/380/337/332/342/323/426, IPC.	Shri Waj Mahamad, Circle Inspector, Jagatsinghpur.	16. Loss and damage to the cattle shed and personal properties by setting fire and looting by the mob.	Rs. 446.00	Based on the affidavit of Inspector, Waj Mohammad.
	Ditto	Bhagaban Mohanty, A. S.-I. of Police.	17. All of his personal properties were burnt by setting fire to his quarters by the mob.	Rs. 3,463.75	Based on the affidavit of Inspector Waj Mohammed and B. Mohanty, A. S.-I.
<i>Personal property of Police Officer</i>					
	Ditto	Sisir Kumar Mohapatra, A. S.-I. of Police, Jagatsinghpur.	18. All of his house-hold articles were burnt by setting fire to his quarters by the mob.	Rs. 1,143.00	Based on the affidavit of Inspector Waj Mohammed and of A. S.-I. S. K. Mohapatra.
	Ditto	Bramhananda Naik, A. S.-I. of Police, Jagatsinghpur.	19. Loss and damage to his personal properties by the mob.	Rs. 835.50	Based on the affidavit of Inspector Waj Mohammed and of A. S.-I., B. Naik.
<i>Government Property</i>					
8.	Jagatsinghpur P. S. Cr. No. 171/64, U/s 143/448/426, IPC.	Post & Telegraphs	20. Damages to properties of Post & Telegraph Office at Jagatsinghpur by the mob.	Rs. 300.00	Based on the affidavit of Inspector Waj Mohammed and Postmaster B. Mohanty.

*Government Property*

9. Jagatsinghpur P. S. P. W. D. Roads and 21. Damage to culverts Rs. 7,800-00 Based on the affidavit of Inspector Waj Mohamad and P. W. D. Sectional Officer, R. N. Mohanty.

Jagatsinghpur P. S. Ditto 22. Damages to the bridge Rs. 21,800-00 Ditto  
Cr. No. 172/64, U/s near Purohitpur on Jagatsinghpur-Jaipur Road.

Ditto Ditto 23. Damages to the parapet Rs. 300-00 Ditto  
and trees.

*Government Property*

10. Jagatsinghpur P. S. Ditto 24. Damage to a screen and doors of the Inspection Bungalow at Jagatsinghpur by the mob.

11. Jagatsinghpur P. S. Post and Telegraphs 25. Damage to a telephone set by the mob. Rs. 15-00 Based on the affidavit of Inspector Waj Mohamad.

*Government Property*

12. Jagatsinghpur P. S. Sales Tax Office, 26. Removal of sign board with poles by mob. 30-00 Ditto  
Cr. No. 175/64, Jagatsinghpur.

*Government Property*

13. Tirtol P. S. Cr. No. P. W. D. Roads and 27. Damage to the road by the mob. 2000-00 Based on official records  
181/64, U/s 431/341., Building.  
IPC.

Sl. No.	Case reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government Property</i>					
14.	Jajpur P. S. Cr. No. 202/64, U/s 147/148/149/337/336/353/224/225/447/333/325/426, IPC.	P. W. D./Police	28. Damage to thatch and bamboo fencing of Mangalpur O. P. by the mob.	Rs. 500	Based on official records
<i>Government Property</i>					
15.	Jajpur P. S. Cr. No. 204/64, U/s 436, IPC.	Police/Private	29. Damage to thatched roof of the rented Constable at Biraja Hat, Jajpur Town.	Rs. 5000	Based on the affidavit of Shri Mohi Prasad Mohanty and Inspector S. M. Hanif.
16.	Binjharpur P. S. Case No. 71/64 U/s 143/336/341, IPC.	S. T. S.	30. Damage to S. T. S. Bus O. R. C. 5553 by mob brickbattling.	Rs. 161.97	Based on the affidavit of Md. Abdul Satar, A. T. M., Jajpur Road.
<i>Government Property</i>					
17.	Binjharpur P. S. Case No. 73/64, U/s 143/336/341/426, IPC.	Ditto	31. Damage to S. T. S. Bus O. R. J. 1032 by mob.	Rs. 276.53	Ditto
<i>Government Property</i>					
18.	Binjharpur P. S. Case No. 82/64, U/s 147/148/149/336/337/341/447/436/353/332/294/307/114, IPC.	P. W. D./Police	32. Damage to gate of Binjharpur P. S. and a portion of thatch of the P. S. House by the mob.	Rs. 100.00	Based on the affidavit of S.-I. Shri P. C. Das and on official record.

*Government Property*

19. Binjharpur P. S. Case No. 83/64, U/s 431, IPC. P. W. D. Roads and Buildings. 33. Damage to road by mob. Rs. 10-00 Based on the statement of Shri P. C. Das, S-I.

*Government Property*

20. Korai P. S. Case No. 105/64, U/s 143/353/426, IPC. Police/Private 34. Damage to house of Jajpur Road O. P. by mob brickbatting. Rs. 100-00 Based on the affidavit of Shri P. C. Mohanty S-I.

*Government Property*

21. Banki P. S. Case No. 43/64, U/s, 147/395/46/332/149, IPC. Revenue Department 35. Damages to the furniture and records of Judicial Magistrate, Banki. Rs. 16,943-34 Based on the affidavit of Shri B. N. Patnaik, Judicial Magistrate, Banki.

*Government Property*

Ditto .. Ditto 36. Damages to furniture, building, door screen, etc., to the office of the Tahsildar, Banki. Rs. 3,877-00 Based on the affidavit of Shri L. Pradhan, Tahsildar, Banki.

Ditto .. Havildar 37. Personal property of Police Officer. Rs. 100-00 Based on official record

*Government Property*

22. Mahanga P. S. Cr. 61/64, U/s 147/448/426, IPC. P. W. D./Revenue .. 38. Damage to the window of the office of the B. D. O., Kuanpal by the mob. Rs. 10-00 Based on official records

Sl. No.	Case reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government Property</i>					
23.	Salepur P. S. Cr. No. 119/64, U/s 143/341/426, IPC.	S. T. S.	.. 39. Damage to S. T. S. Bus No. O. R. S. 4101 by brickbating by the mob.	Rs. 40-00	Based on the affidavit of Assistant Foreman, Somnath Das of Cuttack.
24.	Salepur P. S. Cr. No. 123/64, U/s 147/332/341/379/426, IPC.	S. T. S.	.. 40. Loss/damage to S. T. S. Bus No. 626 by brickbating by the mob.	Rs. 452-00	Ditto
	Ditto	.. Court/Police	.. 41. Forceible removal of seized fire works by the mob.	Rs. 100-00	Based on the affidavit of Shri R. C. Das and on official records.
	Ditto	.. Government Supply/Police	.. 42. Complete damage to uniform, hats of the O. I. C. and J. S.-I., Salepur P. S.	Rs. 10-00	Ditto
	Ditto	.. Posts/Department.	43. Damage to telephone wires.	Rs. 20-00	Based on official records
<i>Government Property</i>					
25.	Salepur P. S. Cr. No. 12264, U/s 147/224/225/341, IPC.	Government Supply/Police.	44. Damage to the uniform shirts of 2 constables of Salepur P. S.	Rs. 10-00	Based on the affidavit of S.-I. R. C. Das and on official record.

*Government Property*

26. Pattamundei P.S. No. 46/64, U/s 143/436/448/426, IPC.	Revenue Department office of the R. I., Andra.	45. Damage to a portion of roof of the office of the R. I., Andra by fire and to the lock of the Office Almirah.	Rs. 66.00	Based on the affidavit of Revenue Inspector, K. K. Samal.
Ditto	K. K Samal R. I.	46. Personal properties of Government servants other than the police officer's garment, etc.	Rs. 73.12	Ditto

*Government Property*

27. Patkura P. S. Cr. No. 50/64, U/s 454/426/34, IPC.	Revenue Department office of the R. I., Tendakura.	Damage to records of the office.	..	Based on the affidavit of Gunanidhi Das, R. I.
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*Personal property of Police Officer*

28. Balikuda P. S. Cr. No. 90/64, U/s 147/379/353, IPC.	C/1193 R. Khan ..	48. Loss of cash and damage to cycle.	Rs. 250.00	Based on the affidavit of Waj Mohammad and S.-I., P. D. Das.
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# APPENDIX 'A' (II)

Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Puri

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	Balipatna P. S. Cr. S-I. No. 62/64, U/s 147/342/332/379, IPC.	And a Chandra Misra of Balipatna P. S.	1. Loss/Damage to Police uniform.	Rs. 5.67	Based on the affidavit of Shri A. C. Misra, O.I. C. Balipatna P. S.
			<i>Personal property of Police Officer</i>		
Ditto	..	Ditto	2. Loss/Damage to one cycle, Pilot fountain pen, Plato fountain pen, diary book and bunch of keys.	Rs. 341.00	Ditto
			<i>Government Property</i>		
Ditto	..	Shri H. K. Patnaik A. S.-I. Balipatna P. S.	3. Damage to uniform hat.	Rs. 3.45	Ditto
			<i>Personal property of Police Officer</i>		
Ditto	..	Ditto	4. Loss/Damage to fountain pen, napkin, stick and one ten rupee G. C. Note.	Rs. 19.50	Ditto

<i>Government Property</i>				
Ditto	..	C/1158 P. K. Naik of Balipatna P. S.	5. Loss/Damage to uniform.	Rs. 49-11 Ditto
<i>Personal property of Police Officer</i>				
Ditto	..	Ditto	6. Loss/Damage to cycle, Plato fountain pen, one rupee G. C. Note.	Rs. 161-00 Ditto
<i>Government Property</i>				
Ditto	..	T. C. 2 Abdul Rashid Khan of Balipatna P. S.	7. Loss/Damage to uniform.	Rs. 48-43 Ditto
<i>Personal property of Police Officer</i>				
Ditto	..	Ditto	8. Loss/Damage to one cycle, Plato fountain pen, one five rupee G. C. Note, three one rupee G. C. Note.	Rs. 213-00 Ditto
<i>Personal property of Police Officer</i>				
Balipatna P.S. case No. 62/64, U/s 147/342/ 332/379, IPC,		C/741 Govind Chandra Das of Balipatna P. S.	9. Loss/Damage to one Plato fountain pen and cash Rs. 16-40.	Rs. 21-40 Based on the affidavit of Shri A. C. Misra, O. I. C., Balipatna P. S.
<i>Government Property</i>				
Ditto	..	C/719 P. Paltasingh of Balipatna P. S.	10. Loss/Damage to uniform.	Rs. 17-09 Ditto
<i>Government Properties</i>				
Ditto	..	C/17 Ram Chandra Swain of Balipatna P. S.	11. Loss/Damage to uniform.	Rs. 48-21 Based on the affidavit of S. I., A. C. Misra.



Sl. No.	Case reference	Person affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

*Personal property of Police Officer*

1. Balipatna P. S. case C/17 Ram Chandra 12. Loss/Damage to Rs. 342-00 Based on the affidavit of No. 62/64 U/s 147/342/ Swain of Balipatna cycle, wrist watch, S. I., A. C. Misra. P. S. fountain pen and cash Rs. 2 in G. C. Notes.
- Ditto .. C/102 R. I. Badjena 13. Loss/Damage to Rs. 339-00 Ditto of Balipatna P. S. cycle, fountain pen, shirt and cash Rs. 14.

*Personal property of Government servants other than Police Officers*

2. Capital P. S. Cr. Shri H. K. Ghosh, 14. Damage to Building Rs. 1,581-65 Based on affidavit of No. 350/64, U/s 147/ I. A. S., Secretary of Finance, BBS. 15. Loss/Damage to Rs. 1,986-00 S. I. R. M. Sahu and Assistant Engineer, 380/427/188, IPC. personal properties K. Parida. other than building.

*Private Property*

3. Capital P. S. Cr. Arjuna Singh Sahani, 16. Loss/Damages to Rs. 630-00 Based on affidavit of Arjuna No. 344/64, U/s 147/ Proprietor of Singh Sahani and S. I., G. 380/436/188/427, IPC. Super Delux Dry Cleanings Shop. furniture, clothing of S. Mohanty. consumers electric press, electric fan, table light, wooden door, signboard, ceiling.

				17. Loss/Damage to suitcase of Gurbachan Singh containing personal clothing amounting to.	Rs. 200 00	Ditto
4.	Capital P. S. Case No. 345/64, U/s 147/380/436/188/427, IPC.	Harihar Proprietor, Ashutosh Hotel and Restaurant.	Sah u,	18. Loss/Damage to grocery articles cot, signboard and cash.	Rs. 840 00	Based on the affidavit of Harihar Sabu and S.-I., C. S. Mahanty.
5.	Capital P. S. Cr. No. 346/64, U/s. 147/380/436/118/427, IPC.	Sk. Mahebuz Ali ..		19. Loss/Damage to coir, cotton, nut and bolt.	Rs. 300 00	Based on affidavit of S.-I., G. S. Mahanty on official record.
6.	Capital P. S. Cr. No. 347/64, U/s. 147/395/486/457/380/188/427 IPC.	Shri Biju Patnaik ..		20. Loss/Damage to B i d g. furniture, electrical equipment a n d connection utensils, crockeries and food stuff.	Rs. 25,149 00	Based on the affidavit of Md. Jafar Ali and S.-R.R.I.

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### Private Property

7.	Capital P. S. Cr. No. 348/64, U/s. 147/436/188/427, IPC.	S. Malikarjun, Proprietor, Lakshmi Bhandar, Bhubaneswar.		21. Damages to grocery articles, electrical materials and furnitures.	Rs. 1,636 00	Based on the affidavit of S.-I. Shri G. S. Mohanty and on official record.
8.	Capital P. S. Cr. No. 344/345/346 and 347/64.	Shri Satyapriya Mohanty, Minister.		22. Damages to the building.	Rs. 4,749 10	Based on the affidavit of S.-I. Shri G. S. Mohanty and S. D. O., P. W. D. Shri R. K. Mohanty.

Serial No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
9.	Capital P. S. Cr. No. 349/64, U/s 147/436/188/427, IPC.	Shri Ved Prakash ..	23. Damages to furniture, table fan, books, plastic case, hard make ply wood, teak wood, timbers workshop tools, tin plates, carpenters tools, wrist watches, clothes, cash, car, musical instruments, jewellery and radio extension set.	Rs. 83,530-00	Based on the affidavit of S.-I. Shri A. C. Pradhan and official records.
10.	Capital P. S. Cr. No. 351/64, U/s 147/336/452/188/427, IPC.	M/s. Kalinga Auto-mobiles.	24. Loss/Damage to building furniture and spare parts.	Rs. 1,131-00	Based on the statement of Shri T. V. N. Sharma and affidavit of S.-I. Shri G. S. Mohanty.
<i>Government Property</i>					
11.	..	Post and Telegraphs Department.	25. Damage to telephone box near Bhubaneswar Railway Station and telephone lines on Cutdack-Bhubaneswar road near Railway Station.	..	Based on official record

12.	..	Electrical ment.	Depart-	26. Damage to electric lines on Cuttack- Bhubaneswar road from Laxminagar to Museum, Bhubaneswar and also to street light on Rajpath.	..	Ditto
13.	..	P. W. D./Police	..	27. Damage to the police station and its compound wall near Museum, Bhubane- swar.	..	Ditto
14.	..	Police/P. W. D.	..	28. Damage to Police vehicles and to the glass window of one room.	..	Ditto
15.	--	Health Department	29. Damage to Family Planning Board at the Bus stand.	..	..	Ditto

## APPENDIX 'A' (III)

*Statement of loss/Damage to properties during the students' agitation between the 26th September 1964 to the 24th November 1964 in the district of Balasore*

Serial No. (1)	Case reference (2)	Persons affected (3)	Details of property (4)	Approximate value (5)	Remarks (6)
<i>Government Property</i>					
1.	Balasore Sadar P. S. Cr. No. 166/64, U/s 143/426, IPC.	A. D. P. O., Balasore.	1. Damage to front glass and mirror of Jeep ORB 557 during brick-battling by the mob.	Rs. 25'00	Based on official records
2.	Tihiri P. S. Cr. No. 71/64, U/s 143/426/337, IPC.	S. D. O., Bhadrak	2. Damage to front glass and hood of Jeep No. ORC 584 during brickbattling by the mob.	Rs. 25'00	Ditto
3.	Dhamnagar P. S., S.D.E. No. 290, dt. 17-11-1964 and No. 305, dt. 18-11-1964,	Post & Telegraphs Department.	3. Cutting of telephone and telegraph wire between Bhandari-pokhari and Guahali-dih in the night of the 15th November 1964 and the 16th November 1964 believed to have been done by the students.	Rs. 25'00	Ditto
4.	Tihiri, P. S., S. D. E. No. 534, dt. 20-11-1964.	Ditto	4. Cutting of telephone and telegraph wire in between Nandapur and Tihiri in the night of the 19th November 1964 and the 20th November 1964.	Rs. 25'00	Ditto

# APPENDIX 'A' (IV)

Statement of loss/damages to properties during the students' agitation between the 26th September 1964 to the 24th November 1964 in the district of Mayurbhanj

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government property</i>					
1	Bari pada P. S. Cr. C/382 No. 180/64, U/S 332/379 143, IPC.	Somanath Patra.	1. Loss and damage to one short lathi, one pungrec, one belt and one pair of putti.	Rs. 21.32	Based on official record and affidavit of Shri Bijoy Krishna Dey.
2	Ditto.	C/177 Kunja Patra	2. Loss and damage to one short lathi.		
<i>Personal property of Police Officers</i>					
3	Bari pada, P. S. Cr. No. 183/64 U/S 337/323, IPC.	Police Club,	3. Damages to Reflector of electric light and bulb during brick-batting by the mob.	Rs. 4.50	Ditto

## APPENDIX 'A' (V)

*Statement of loss/Damage to properties during the student's agitation between the 26th September 1964 to the 24th November 1964 in the district of Ganjam*

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government property</i>					
1	Berhampur Town PS, Case No. 257/64, U/s 436/147/148/149, IPC.	Police quarters at Kamapalli under the occupation of B. C. Pradhan, Head Assistant, office of the DIG, SR Berhampur.	1. Damages to the A. C. Sheets, sun shed, sky light, window shutters, paintings etc.	Rs. 443.04	Based on affidavit of Shri P. Tripathy, TI, Berhampur.
	Ditto	Police quarter under the occupation of J. K. Patnaik, CSI	2. Damages to glass panes, frames, etc.	Rs. 32.65	Ditto
	Ditto	Police quarter under the occupation of Senior Court SI.	3. Damages to glass panes, sky light, jallies, etc.	Rs. 38.00	Ditto
	Ditto	Police quarter under the occupation of Town Inspector, Berhampur.	4. Damages to the A. C. Sheets window glass panes, etc.	Rs. 92.62	Ditto

(1)	(2)	(3)	(4)	(5)	(6)
2	Berhampur Town PS, Case No. 260/64, U/s 436/148/149/332, IPC.	Police Information Bureau, Berham- pur.	5. Damages to the tele- phone, sign board, furniture, etc.	Rs. 139-00	Based on official record.
	Ditto	Traffic Police Out Post, Berhampur.	6. Damages to the door shutters, etc.	Rs. 150-00	Based on affidavit of Shri P. Tripathy, TI, Berham- pur.
3	Berhampur Town PS, Case No. 256 & 257/64	S. P., Ganjam	7. Damages to six-410 bore muskets.	Rs. 900-00	Ditto
4	Berhampur Town PS, Case No. 259/64 U/s, 147/149/435/332/447, IPC.	S. D. P. O., Berham- pur.	8. Damages to the office cycle.	Rs. 250-00	Ditto
5	Berhampur, Town PS, Case No. 259/64 U/s 147/149.	Shri S. Mahapatra, S. D. P. O., Ber- hampur.	9. Damages to motor car No. ORK-350 Ford Anglia, 1948 model wooden gate, bed cots and shoes, etc.	Rs. 6,645-00	Based on affidavit of Shri S. Mahapatra, DSP & P. Tripathy, TI, Berhampur.
	Ditto	Shri Prahallad Sena- pati, Steno SI to S. D. P. O. Berhampur.	10. Damages to one Philips cycle.	Rs. 88-31	Based on affidavit of Shri P. Tripathy, TI, Berhampur
<i>Personal property of Police Officers</i>					
	Ditto	C/353 Bachha Bisoi of S. D. P. O., Berhampur.	11. Damages to one Hercules cycle.	Rs. 150-00	Based on affidavit of Const. Bachha Bisoi and P. Tripathy, TI, Berhampur.
	Ditto	C/260 A. R. Patra S. D. P. O., Berhampur.	12. Damages to one Rabinhood cycle.	Rs. 150-00	Based on affidavit of A. R. Pradhan and Shri P. Tripathy TI, Berhampur.



Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
6. Berhampur PS, Case No. 260/64 U/s. 437/147/158 149/332, IPC.		Shri Dandapani Jena, ASI of Police, DIB, Berhampur.	13. Damages to one Raleigh cycle.	Rs. 300.00	Based on affidavit of Shri Dandapani Jena and P. Tripathy, TI, Berhampur.
Ditto		C/738 Chakarpani Tripathy of Berhampur town.	14. Damages to one Hercules cycle.	Rs. 50.00	Based on affidavit of Const Chakarpani Tripathy and P. Tripathy, TI, Berhampur
Ditto		C/552 Sanyasi Swain of Berhampur Town.	15. Damages to one Easternstar Cycle.	Rs. 175.00	Based on the affidavit of Const. Sanyasi Swain and P. Tripathy, TI, Berhampur.
Ditto		C/21C Ram Chandra Patra of Berhampur.	16. Damages to one Hercules cycle.	Rs. 250.00	Based on the affidavit of Const. Ram Chandra Patra & P. Tripathy, TI, Berhampur.
7. Berhampur Town PS Case No. 257/64 U/s. 436/147/148/149, IPC.		Shri Bhikari Charan Pradhan, Head Assistant, office of the DIG, Southern Range, Berhampur.	17. Loss/Damages to clothings, furniture, crockeries, utensils, electric iron, stove, time piece, electric bulb, thermoflask, gramophone records and sound box, one radio set, and toys etc.	Rs. 1,996.00	Based on affidavit of Shri Santilata Pradhan W/o B. C. Pradhan and Shri P. Tripathy, TI Berhampur.

## APPENDIX 'A' (VI)

*Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Kalamandi*

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government Property</i>					
1.	Khariar PS. Cr. No. 41/64 U/s 147/448/337 Post. 426 IPC and 7 Cr. L. A. Act.	Khariar Police Out Post.	1. Damage to records of Khariar Police Post by the mob.		Based on official record.
<i>Private Property</i>					
2.	Bhawaniapatna P. S. Cr. No. 87/64 U/s. 379 IPC	Sadar Abhiram Shop-keeper at Pastikudi Market.	Naik, 2. Loss of new clothes and ready made garments by the mob.	Rs. 726.00	Based on the affidavit of Abhiram Naik.

## APPENDIX 'A' (VII)

*Statement of loss/damage to properties during the students' agitation between the 26th September 1964 to 24th November 1964 in the district of Sambalpur*

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	Reamal P. S. Cr. No. 27/64 U/s. 379/431/426, IPC	P. W. D. Roads and Buildings.	1. Loss/damage to one Bridge and road near Reamal.	Rs. 1,896-00	Based on the affidavit of Shri D. P. Misra, S.D.O. P.W.D., Deogarh.
	Ditto	Posts and Telegraphs Department.	2. Damage to Telephone line between Reamal P. S. limits.	Rs. 615-00	Based on the affidavit of B. C. Misra, E. S. T. Telegraphs, Sambalpur.
2	Rairakhol P. S. Cr. No. 49/64 U/s. 147/353/188/336 IPC and 7 Cr. L. A. Act	Police	3. Damage to Sign Board of the P. S.	Rs. 10-00	Based on official records
3	Sambalpur Sadar P. S. Case No. 302/64 U/s. 147/337/426 IPC and 7 Cr. L. A. Act.	G. M. College, Sambalpur	4. Damage to window glass pans.	Rs. 40-00	Ditto
4	Sambalpur Sadar P. S. Cr. No. 267/64 U/s. 147/323/337, IPC.	S. P./D. M., Sambalpur.	5. Damages to window screen glass of police truck No. O. R. C. 2402 and D. M. S. Jeep No. ORS 4247.	Rs. 1,320-00	Based on official records

## APPENDIX 'A' (VIII)

Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Cuttack

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
<i>Government property</i>					
1.	Birmaharajpur P. S. Cr. No. 34/64 U/s. 147/447/426/451/353 / 334/ 149 IPC	Birmaharajpur Court building.	1. Damages to glass panes and ventilator.	Rs. 10-00	Based on affidavit of Shri Nilamambar Rath, P. W. D. Overseer, Birmaharajpur.
2.	Birmaharajpur P. S. Cr. No. 33/64 U/s. 147/447/336/426/351/352 / 149 IPC	Constable No. 232 Purna Chandra Sahu of Birmaharajpur P. S.	2. Damages to pugrees with fringe.	Rs. 20-00	Based on official record
<i>Private Property</i>					
3.	Birmaharajpur P. S. Cr. No. 35/64 U/s. 147/451/426/ 149 IPC	Fakir Sahu .. Licensed country liquor vendor of Birmaharajpur.	3. Damages to one jar of country liquor and four jars of Handias of fomented Mohua.	Rs. 50-00	Ditto
4.	Birmaharajpur P. S. Case No. 36/64 U/s. 147/451 426/149 IPC	Kunja Sahu Hotel-keeper of Birmaharajpur.	4. Damages to four bunches of ripe plantain and other miscellaneous articles.	Rs. 25-00	Ditto

## APPENDIX 'A' (IX)

Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Dhenkanal

Sl. No. (1)	Case reference (2)	Persons affected (3)	Details of property (4)	Approximate value (5)	Remarks (6)
<i>Government property</i>					
1.	Kanhia P. S. Case No. 43/64 U/s 379/511 IPC.	Post and Telegraphs Department.	Damages to telephone line near Bijegol on 1-11-1964 by the mob.	..	Based on the affidavit of Shri Panchanan Pani OIC, Kanhia P.S.
2.	Kanhia P. S. Case No. 46/64 U/s 147/447/332/436/426/323/149 IPC.	P. W. D., Police ..	Damages to a portion of thatched roof of Kanhia P. S. by setting fire and also breaking the tiled portion of the roof by pelting brick-bat by the mob on 22-11-1964.	Rs. 600	Based on the affidavit of Shri Panchanan Pani OIC, Kanhia P. S. and C.I., P. L. Dani.
3.	Kanhia P. S. Case No. 47/64 U/s 379 IPC.	Post and Telegraphs Department.	Damage to telephone line near Kanhia post office by the mob on 22-11-1964.	..	Based on the affidavit of Shri Panchanan Pani OIC, Kanhia P. S.
<i>Private property</i>					
4.	Angul P. S. Case No. 135/64 U/s 143/448/428 IPC.	Dandadhar Sahu vender, Ganja Talmul.	Damages to temporary shed, sign board and liquor with earthen jar.	Rs. 70-50	Based on affidavit of Shri Narasingh Panda Inspector, Excise, Angul Dandadhar Sahu, Ganja vender, Angul, Banambar Roy, S. I., Angul P. S.

## APPENDIX 'A' (X)

*Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Sundargarh (Rourkela)*

Sl. No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

*Personal properties of  
Police officer*

1. Rourkela township P. S. Shri K. C. Mohanty 1. Loss and damage of Rs. 3.50 Based on official record  
Cr. No. 439/64 U/s 379 S. I. of Police one spool of film from  
township P. S. the camera by the  
mob.

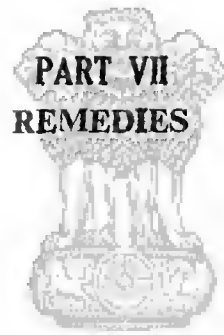
## APPENDIX 'A' (XI)

*Statement of loss/damage to properties during the students' agitation between 26th September 1964 to 24th November 1964 in the district of Keonjhar*

Serial No.	Case reference	Persons affected	Details of property	Approximate value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

*Government Property*

1	Keonjhar Sadar P. S., S. P., Keonjhar Case No. 92/64 U/s 147/427 IPC.		Damages to front wind screen glass, left door side glass, body with mudguard of vehicle No. O. R. J. 802.	Rs. 600.00	Based on affidavit of Inspector Shri K. N. Mahapatra, Driver Havildar Shri Sridhar Sahu and M. V. I. Shri Bipin Behari Patnaik.
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**PART VII**  
**REMEDIES**

नमो भगवते वासुदेवाय





सत्यमेव जयते

## CHAPTER XXV CODE OF CONDUCT

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### INTRODUCTION

Under the second part of the last term of reference, the Commission was required to suggest an appropriate code of conduct to be observed by individuals and organisations concerned so as to obviate any recurrence of such situations. The object is to lay down certain ideals of good behaviour for all concerned in the form of a code of conduct or ethics by which the individuals and organisations will be morally, though not legally, bound. The purpose of such a code or conventions of conduct is that it has a moral effect on normal human behaviour; it serves as a guidance for ideal behaviour for preservation of social order. Codified or written law does not and cannot serve that purpose. Social order is maintained more by conventions observed by individuals forming the society in their mutual relationship to one another both in private and public life; these conventions work imperceptibly—though effectively—in every normal individual citizen.

2. We all in our daily walk of life observe, without our knowing it, certain conventions or moral ideals in our relationship at home with the family, outside with our neighbours and people in general with whom we come in contact. This is partly inherent in human nature—it is all within us; through education it needs to be brought out and cultured. The primary object of education is character building. This education begins by our parents at home; in later childhood days in kindergarten school; thereafter in primary schools; ultimately it ends in education in colleges. During this entire process of education beginning at home by parents up to the Universities by our teachers, we all acquire character in the way we are brought up and educated. The ultimate result of this process is that we imperceptibly behave in the manner we have been brought up and educated through an unwritten code of conduct without our being so told.

**A. Necessity of a written code of conduct :  
implications of certain specific incidents  
as symptoms of the malady :**

3. The question arises: If our normal behaviour in society is guided by certain moral ideals, conventions or what is called unwritten code of conduct, what then is the necessity for having a written code of conduct? The answer is: Our education both at home, schools and colleges is imperfect. The character building which used to be done in childhood and youth to make a 'whole man' has not been possible because of various social, political and economical factors.

4. In the present context of students' disquietude in Orissa in 1964, the implications of certain incidents during the students' agitation—as symptoms of a deep-rooted social malady—have rightly made the Government conscious of the necessity of an appropriate code of conduct as included in the terms of reference.

5. Considered from this aspect, students' disquietude in Orissa in 1964 was not a mere law and order problem as many people suppose it to be. It is not merely the question as to how the magistrates and the police behaved in handling the situation during the agitation. The significance of the student movement is far deeper than what appeared to be on the surface. It is not that the Commission in this enquiry was as if trying a certain big gang case—as even

a good section of the intelligentsia of the country thought it to be—where students along with public were involved. The question whether the quantum of force used by the magistracy and the police in handling the situation was adequate or not or was in excess of the requirements of the occasion was the least important in comparison with the other terms of reference which covered, *inter alia*, the background, cause, nature and extent of the students' disquietude, the role of the Press, political parties and other associations, organisations and individuals, measures for the future and suggestion of an appropriate code of conduct.

6. The Commission proposes to deal with the implications of certain specific incidents during the students' agitation; the radio shop incident at Cuttack, students' reaction to alleged assault on a student by a bus conductor at Bhubaneswar, breaking of the police statue by a student mob at Bhubaneswar and the 'Mock Assembly' held by students at Bhubaneswar on September 2.

7. *Radio shop incident at Cuttack* : As fully described, the resentful attitude of the students towards the police was quite evident from the way they behaved during the incident on the night of September 26 when the movement started. Even the Principals, Professors of the colleges could not pacify them; the students were shouting; the general trend of their shouts was as to why the police had come, that police should withdraw immediately, that the radio shop owner should be produced and should apologise.

8. The Principal, Orissa School of Engineering, Mr. B. B. Patnaik himself came to the spot and tried to pacify the students. As the Principal said in his affidavit, some people were shouting against the police—

"Why the police have come here, they should go away, they should not have come here."

9. Mr. Dinabandhu Misra, a teacher of the same institution, also went to the spot and talked to the students. He was, however, interrupted by a number of voices shouting that police would do nothing and they would be gained over and that it is the students and students alone who could set the man right. Some of them said :

"We have already requested Union representatives of Madhusudan Law College and Ravenshaw College to help us in dealing with the man and some of them were already there at the spot and that at this stage we cannot honourably back out."

10. The Principal of Ravenshaw College Mr. Bansidhar Samantarai (now the State's DPI) who came to the spot also requested the students of the different institutions present there to go back to their places of residence and the matter would be enquired into and settled. The students, however, did not listen to him.

11. The question is: What lessons can we draw from this incident ? Superficially seen, it was one of the many incidents which are happening everyday. Though apparently a petty incident of a quarrel between a student and a shop-keeper, it has deep significance as symptom of a deep-rooted malady permeating the entire social system as indicated hereunder.

12. It shows, for whatever the reason is, the public and particularly the students have no confidence in the police, so much so that they even resent the very presence of the police though they come into the picture in course of their duty in handling the law and order problem. The students had the apprehension, however wrong they were, that police were corrupt to the extent that they might be gained over by the other side. In short, it was clear from this incident that the police was not popular.

13. This incident also shows that the students had confidence in their College Unions and in fact had used these Unions even outside the campus to achieve their ends as they thought would suit them. The students, instead of leaving the matter to the police, had in fact left to the Union representatives to tackle the radio shop dealer who is alleged to have assaulted the student of the Orissa Engineering School. In other words, they took the law into their own hands. It is clear from this that the Student Unions were being misused for purposes other than what they are meant for, namely, to be confined to welfare activities of the students inside the campus.

14. The next lesson we draw from this incident is that the students have no respect even for their teachers. The Principal and Lecturer of the Orissa Engineering School and also the Principal of the Ravenshaw College themselves went to the spot and tried to pacify the students having given them assurance that the alleged culprit who had assaulted the student would be dealt with. In spite of these assurances the students did not listen to the teachers. They openly flouted their authority so much so that the teachers were compelled to leave the place. This, indeed, is an unfortunate phenomenon.

15. It is clear from the evidence that the public also sympathised with the students in their unruly behaviour as demonstrated by them during the incident. In fact, members of the public in sympathy with the students appeared to have joined them during the incident. In any event, there was public connivance with the student lawlessness; without direct incitement or encouragement from behind the movement, which started from the petty incident at the radio shop, would not have assumed the dimensions it ultimately did in having spread all over the State.

16. Besides, the fact of the students having continued the demonstration throughout the night till early hours of the morning shows that, at home, the guardians and parents have no control over their wards and it shows that indiscipline begins at home. The ultimate blame is on the guardians and parents who are responsible for bringing up of their children in a healthy home atmosphere in which apparently they have failed. It is the fault of the parents that they could not make their homely atmosphere sufficiently attractive to keep them in.

17. As regards the students living in the hostel who mostly participated in the incident, it was also noticed that there was not sufficient control of the authorities in charge of the hostel; evidently the authorities did not maintain discipline in the hostel in the manner they should have done. This also shows that there were not enough amenities in the hostels, which are mostly congested, so as to keep the students occupied with studies and healthy activities in order to keep them away from mischief outside the campus.

18. *Students' reaction to alleged assault on a student by a bus conductor at Bhubaneswar:* This was again an incident where the students of Bhubaneswar sought to take the law into their own hands in punishing a bus conductor who is alleged to have assaulted a student. It is in evidence that over this incident the student crowd at Bhubaneswar was in a highly agitated mood. They were shouting to cane the said bus conductor publicly and bring him to ready justice at the bus stand itself by burying him alive. All attempts to pacify them by the authorities including a Deputy Minister, Government of Orissa, failed.

19. The assurance given to the student demonstrators that the bus conductor was already in the police lock-up and that action would be taken according to law did not satisfy them. The students persisted in shouting slogans, demanding handing

over of the bus conductor to the students for dealing with him in the manner they thought proper; some of the students shouted that they wanted "blood for blood and nothing less than that would satisfy them". What again this picture presents to us ? It is the same spirit of lawlessness as demonstrated by the students during the radio shop incident at Cuttack. The students have no regard for authority. This trend among our youth is dangerous, particularly in a democracy based on the rule of law.

20. "*Mock Assembly*" incident : *implications of the students' behaviour* : As hereinbefore described, the police apprehended attack by the students as a sequel to the alleged assault by the bus conductor on a student. If the police were left to themselves they could have stopped this unfortunate incident in the Assembly. In fact, after the arrival of reinforcement from Cuttack, the police got ready to take steps to disperse the student mob by use of force. At that moment the District Magistrate, the DIG Central Range, and the SP were called by the Deputy Speaker who was inside the Assembly Hall. The Deputy Speaker agreed to the dispersal of the student mob by whatever force necessary. Then the District Magistrate came out of the Assembly building and issued several warnings to the rioters to disperse, failing which force would be applied. But the students did not take the warning seriously at all ; they continued to remain where they were. Then the tearsmoke party and the lathi party were ordered to take their position. They would have gone into action but for the receipt of a message from the Chief Minister through some police officer that no force should be applied against the student rioters as the Chief Minister himself would address the students and pacify them.

21. When the Chief Minister came out to address the gathering of students he was hit with some brickbats by the student rioters. When the police force came closer with a view to tackle any situation that might arise while the Chief Minister was addressing the students the Chief Minister ordered the policemen to fall back—a gesture though well intended as a friendly move but misunderstood by the students as weakness of the Government--which was cheered by the student rioters some of whom came closer to the police force and teased them questioning their very presence inside the Assembly ; the student rioters asked the police to withdraw as per the order of the Chief Minister and the police force thereupon fell back.

22. Thereafter the student rioters took shelter inside the Assembly Hall when it started raining heavily. The students are said to have staged a 'Mock Assembly' with one of them in the chair and committed several acts of vandalism inside the Assembly Hall ; speech equipments and several other properties were destroyed, slips of papers with obscene writings were left on the tables of the Members of the Assembly ; most of the glass panes, windows, doors and sky lights in a number of retiring rooms of the Ministers as well as other rooms were destroyed. Glass tumblers, and doors were broken into pieces ; mirrors in bath rooms were damaged ; the verandah in the portico was covered with broken glass panes and brickbats ; the entire Assembly building presented a ghastly appearance.

23. This incident of "Mock Assembly" by the students at Bhubaneswar was flashed throughout India. The Statesman and other newspapers of All-India publicity gave it a front page prominence in bold headlines. The news report in the Statesman of September 4, 1964 came out in the front page, at the top, covering two columns under the caption—

**"YELLING STUDENTS INVADE ORISSA ASSEMBLY :  
MOCK SESSION HELD"**

The main news given under the said caption about the incident was this :

" Never before has the Orissa Assembly witnessed such scenes of hooliganism as today with over 1,000 slogan-shouting students stormed past the guards into the Visitors' Gallery while 1,000 others forcibly entered the Assembly compound from all sides damaging cars, smashing window panes and furniture, and ransacking the chambers of some Ministers as this 'invasion' swelled"

" The students were demanding that immediate action be taken against an Orissa Road Transport bus conductor who earlier in the day was involved with a student in a scuffle in which the student sustained a cut in the mouth"

" For fully 90 minutes there was complete mob rule in the Assembly compound. The Deputy Speaker, Mr. Lokenath Misra, hurriedly adjourned the House at 4.45 P. M. and hurried (to) his chamber. Fortunately the guards at the Visitors' Gallery closed the Assembly Hall door, preventing a further invasion"

" Simultaneously, all the entries to the Assembly House and lobbies were closed and the doors bolted with the members confined inside"



The main news item under the caption "MOCK SESSION HELD" was that after the Chief Minister had left the Assembly premises the demonstrators entered the Assembly Hall and held a mock session damaging the loudspeaker arrangements and telephones in the process.

24. What was surprising to all was that the police, who were ordinarily there on guard duty, were silent spectators. Some of them had their own lathis turned on them; others were pummelled and roughed up by the yelling mob. It was also surprising how within a matter of two hours so many students could have been attracted to the Assembly from so many widely scattered schools and colleges.

25. The significance of this unfortunate incident at Bhubaneswar on September 2 which was the main background of student disquietude in Orissa in 1964 is that the students had not only no respect for the police in general but also for the Legislative Assembly which is the State's Parliament. This shows that we have not been able to educate our students even to the extent of inculcating in them respect for our democratic Constitution which is the very basis of our social order. The Legislative Assembly, as the law-making body for the State, deserves the highest respect from all citizens irrespective of all differences among the different parties on principle and policy. If our students have not been made aware of this fundamental fact, certainly our education policy has failed.

26. It was clear from the way the students behaved in Bhubaneswar during this incident that there were no inhibitions in them which could resist them from the unruly and unseemly conduct inside the hall of the State's Parliament. They failed to respect the sanctity of the great institution and the Constitution which it upholds on which the very existence of the State depends.

27. The students need being told in unambiguous terms that no State can tolerate this; they must also know that in these matters there can be no compromise in future, as was sought to be done during the last incident. Ultimately it calls for the setting up of a model of ideal public behaviour which the students are expected to respect and follow.

28. There is one further aspect. The Chief Minister presumably with the best of intentions in a friendly spirit intervened in the matter and stopped the police from taking action. This friendliness and leniency on the part of the

Chief Minister were not appreciated by the students in their angry mood; they thought that it was a weakness of the administration; the students thought they could do as they liked; the police could not do anything to them. This incident undoubtedly emboldened the students to the extent that they thought they could succeed in any matter that they chose to take up with the Government. This psychology among the students was the primary cause of students' agitation all over Orissa. Once a law and order situation arises the matter should be left to the police to tackle; and interference with the police at such a stage is dangerous.

29. *Breaking of police statue at Bhubaneswar: its significance* : A few days prior to the occurrence the police people observed 'Police Commemoration Day' at the police statue in the triangular park near the State Museum, Bhubaneswar. The evidence is that on October 28 the angry mob caused damage to the statue in that the head-gear (Pugree) was broken, the nose damaged and both its hands broken, the metal rifle was missing; the statue was completely disfigured; it appeared as if it was hit with something sharp and pointed like a crowbar.

30. The question is : What is the significance of the breaking of the police statue in the manner it was done? It shows the apathy of the students and the public constituting the angry mob against the police in general. The inanimate stone statue of the policeman could have done no harm to the mob. Why then the mob attacked the statue and disfigured it in the manner it was done? This again shows that the old spirit of hatred against the police during the imperialist regime of the British has not yet disappeared even after independence. This is symbolic of the attitude of the people in general and students in particular against the Government which exercise authority mainly through the police. This is an unfortunate attitude in a democracy. The people—particularly our youth in schools and colleges forming the next generation—should realise that a policeman is a public servant; the authority that the policeman exercises is the authority of the public which they have entrusted to the Government in power to be exercised through an agency, namely, the police. This realisation has to come and if necessary has to be inculcated in the people for the very preservation of the democracy in which we live.

31. There is another aspect of this phenomenon. It is a psychological truth that hatred comes from fear. It is the fear of the police—for whatever the reason is—which is the

main cause of this attitude of the public in general towards a policeman, so much so that during the time of the movement they did not even spare a stone statue of a policeman whom they fear and hate. This fear of the policeman has to be removed from the public mind. For this, our basic education has to be reoriented from the very beginning in our schools in the villages.

32. On the other hand the police has to earn the love, affection and confidence of the public. Why is it that the public resent the police? The policemen have to so behave in their day to day life that public may rely on them and look to them for help; the police by their conduct must remove the fear of them from the public mind; this calls for a laying down of a code of conduct for the police.

### **B. Code of conduct for the police :**

33. In course of this enquiry it was apparent from the evidence that one of the main causes of students' disquietude was general apathy of the public, including the students, towards the police. Public co-operation is essential to the successful accomplishment of the police purpose; public support assists in many ways; it is necessary in the enforcement of major laws as well as of minor regulations; with public co-operation arrests are made and convictions obtained which otherwise would not be possible. A public that observes laws and complies with regulations relieves the police of a large share of their burden. Difficult problems can be carried out with strong community support, and preferred techniques can be operated successfully in friendly communities. Public commendation and praise build police morale, which leads to increased efforts and an improved service. Without public support budgetary requirements for needed buildings, equipment and personnel are difficult to obtain. Police salaries, relief days, sick and retirement benefits, and other conditions of service are also favourably influenced by a friendly and co-operative public.

34. The police who lack support and co-operation of a friendly public is unfortunate. A hostile public makes police task more onerous and working conditions more disagreeable; the police are censured at every move, unjust charges are made against them, and their sound and progressive programmes are impeded. When the activities of the police are misunderstood and construed as wrong, their morale is damaged, the maintenance of *esprit de corps* is made difficult, and they develop a

negative mental state that causes them to be fearful of undertaking any constructive work; also, faced with a critical, hostile public, the police tend to develop a hostile attitude which worsens public relations.

35. Public relations is concerned with the development of a public attitude favourable to the accomplishment of the police purpose; the attitude of people towards the police is moulded by every experience they have in observing, talking to, and in being served and controlled by the police. Every policeman, therefore, unconsciously plays a major role in creating public reaction to the police, be it good or bad.

36. The appearance, attitude, habits, private life, and public contacts of the individual policeman affect the attitude of the public towards him and the department; consideration must be given to the elimination of resentment-inducing factors and to the substitution of goodwill-producing relationships. The policies, programmes, activities and operating methods of the police force which strongly affect the public relations must be scrutinised, evaluated from their public relations aspect, and modified accordingly.

37. It is thus a great necessity for a code of conduct for the police for their guidance in their day to day life. At present the guidance instruction in the Police Manual is inadequate. In the Orissa Police Manual, Volume I, Chapter II deals with general duties of the force. As regards public relations, Rule 5 provides as follows :

“5. (a) *Behaviour Towards Public*—No police force can perform its duties with success unless it can win the respect and good feeling, and secure the co-operation of the public. To this end, the exercise of forbearance, civility and courtesy towards all classes is enjoined on every rank. Firmness in the execution of duty is essential, but rudeness, harshness, and brutality are forbidden and every officer of a superior rank must take immediate steps to deal with any offender who comes to his notice. All police officers shall not only observe a courteous and conciliatory demeanour themselves but on all occasions endeavour to inculcate in their subordinates the necessity of combining tact with firmness and performing their duties in a manner which shall be as little distasteful as possible to the public. No police officer should ordinarily be recommended for promotion if he habitually disregards the above instructions.

(b) *Impartiality*—All ranks shall observe the strictest impartiality in the discharge of their duties, and particularly in their dealings with different constitutional parties. No

police officer shall take part or assist in any way in political movements, nor shall he canvass, nor use his influence in connection with, nor take part in any election to a Legislative body or local authority. If he exercises any right to vote, he shall do so without giving any indication of the manner in which he proposes to vote or has voted.

- (c) Every officer, specially an officer of or above the rank of Deputy Superintendent, shall be easily accessible, both at headquarters and when on tour, to the members of the public and shall encourage them to communicate their opinions to him freely.
- (d) All serving officers shall keep in touch with retired police officers living in their respective jurisdictions and shall seek their co-operation whenever their knowledge or experience is likely to prove useful. An index of such retired officers shall be maintained in the office of the Superintendent."

38. In the opinion of the Commission, this is insufficient guidance for the police in view of the nature of their work, particularly after independence when public, more so the students, are more politically conscious and sensitive. Although the Police Manual rule quoted above contains in substance the basic principles by which the action of an individual police officer should be governed, this requires further clarification and elucidation in the light of experience of other democratic States in the world.

39. In India there is hardly any literature on the subject. In the western democracies the literature on the subject is also scanty and scattered. Therefore for the purpose of suggesting an appropriate code of conduct for the police the Commission relied on British and American sources. The code of conduct suggested by the Commission herein are adoptions of the American authorities on the subject. In suggesting the code of conduct the Commission also relied on the Final Report of the British Royal Commission on the Police, 1962.

40. The relationship between an individual police officer and the citizen, which is fundamental to public relations is the subject of this part of the chapter.

#### 41. *Relationship between the police and the public :*

- (a) The police must scrutinise their own view point to be certain that it is a proper one; their attitude will be influenced by their concept of the police function—of their duty to the public. All members of the force must recognise that the people, through their representatives, hire and pay the police and that, as in any other employment, there must exist a proper employer-employee relationship.

- (b) The police must understand that the essence of a correct police attitude is a willingness to serve, but at the same time they should distinguish between service and servility and between courtesy and softness. They must be firm, but also courteous, avoiding even an appearance of rudeness. They should develop a position that is friendly and unbiased—pleasant and personal in all unrestrictive situations, and firm and impersonal on occasions calling for regulation and control. They should understand that the primary police purpose is to prevent violations, not to arrest people.
- (c) The police should overcome traditional public fear of the police and unsatisfactory police reputation. The police administrator is confronted with the task of creating the desired attitude of the public that co-operates with the police, that supports them in their efforts and observes laws and regulations. The development of this public attitude is impeded by a traditional fear of the police, by errors in the judgement of individual policemen, by unpopular police action in the enforcement of unacceptable laws and of regulations that offend individuals, by the consequences of refusing to grant special favours to important persons, by press attacks and political pressures, by a public not interested in public affairs and sometimes by the necessity of overcoming an unsatisfactory police reputation. The problem is similar to that met daily in business and industry. A worker desiring a promotion works harder and makes it evident that he has done a better job; he bends his efforts towards establishing a suitable relationship between himself and his employer. A businessman wishing to increase his sales tries to build good will. He sells better merchandise, increases the demand for it through advertising, and satisfies his customers. The principles involved in creating the desired relationships between the police and the public are simple and readily applied, although the hoped-for relationships are not easily and quickly achieved.

42. *Building good will and avoiding resentment:*

- (a) The police should build good will and avoid resentment. Public good will is developed by

positive action; it is not wished into being by hopeful thinking. Methods and procedures that will bring about agreeable relations with the public must be developed. A department guilty of bad practices towards its citizens may meet apparently impenetrable resistance to the development of a suitable relationship, but the stronger the resistance the greater the importance of breaking it down. There are many non-arrest activities that have special value in building good will, and small courtesies and special services will go far towards improving the standing of the police in the eyes of the community. Positive steps must likewise be taken to avoid resentment, whether in dealing with an individual or a group. The police should critically examine their own conduct in all public contacts and remodel it to avoid situations unnecessarily unpleasant to citizens. The police cannot hope to retain the friendship of the public if their conduct is unfair and unreasonable and if they unnecessarily embarrass, humiliate, annoy, and inconvenience the public. The public justifiably resent ruthless campaigns that go out of futile police efforts to meet their own inefficiencies, which are patently unreasonable.

- (b) The police should have kindly words and helpful advice for any one in doubt or trouble who comes to them ; the police can fulfil an immensely beneficial social function in finding relief for the destitute, in tracing missing relatives, and in smoothening out family quarrels, misunderstandings and estrangements of every kind. In some quarters it is probably argued that the rendering of such services is no part of the duties and functions of the police. In this context the experience in Britain is helpful and is accordingly noted which can be usefully emulated in this country. The friendliness, confidence, respect, trust and affection that the police receive from the people are almost the sole basis of the power and efficiency of the police of Britain. Whatever tends to strengthen this relationship, strengthens and maintains the vitality of true democracy in Britain. Whatever tends to loosen the bonds of public's relationship with the police, in the form of thoughtless,

ignorant, or malicious criticism of them, neglect of their principles by the police, or by the authorities who are responsible for them, or the ill-considered introduction of mechanical or other organisational changes which lessen the scope for contact between the individual citizen and the policeman on the beat must lessen, also, the power which the police derive from the public's appreciation of them. Any material decrease of this power will quickly lead to their increased dependence on the use of physical force; to the need, by central authority, of endowing them with despotic powers to enable them to fulfil their tasks ; to police dependence, not on being liked by the people, but on being feared by them.

43. *Appearance of an individual officer :*

- (a) Attention should be given to the personal appearance, attitude, conversation, and conduct of each policeman. Each person judges the police department by the individual members with whom he has had contact, and his opinion of the force is influenced by his reactions to these personal experiences. Procedures must be developed that are designed to build good will and to avoid creating resentment, and officers must be trained in their use. Each member of the force must be brought to realise the influence of these factors on the citizen's opinion of him as a man and of the department he represents ; pride in his organisation and in his position in it is thus developed and he will then conduct himself with the dignity of his office.
- (b) The police department should maintain a high standard of efficiency and it should give evidence of it by the businesslike attitude and conduct of personnel at headquarters and on the street. The police officer should give conscientious attention to his duties ; he should neither talk unnecessarily to passers-by, nor stand for a long time in one location; he should not sit in his parked automobile, but should stand on the curb or patrol in the immediate vicinity within hearing range of his radio.
- (c) At headquarters he should not rough-house with brother officers, crack jokes, or otherwise amuse himself in corridors or offices open to public view,



or indulge in loud, boisterous talk that can be heard by the public. Such activities should be restricted to assembly and recreation rooms lest the public conclude that he is loafing on public time. An appearance of idleness must be avoided, and the office staff should not put their feet on desks or other office furniture.

- (d) Deficiencies in dress and body care should be corrected by positive action, and failure to do so reflects on department leadership. Personal cleanliness and body care are equally important. Officers should be required to shave daily, bathe frequently, clean their fingernails, have their hair cut regularly, and keep their clothes in a neat condition of repair, press, and cleanliness.

#### 44. *Police conversation :*

- (a) The officer should develop pleasing habits of conversation that gives no offence to the listener, either by subject-matter or method of presentation. In his conversation he should avoid subjects of a smutty and questionable nature ; especially must he avoid controversial questions in religion, race, politics and law. It is not his responsibility to defend the justice of every law, but he should avoid criticising legislation, especially that of a local nature.
- (b) He should not intrude by springing to the defence of the force but if he sometimes overhears conversations uncomplimentary to his department he should hold his own counsel. An officer who finds himself in a group where the conversation has turned to criticism of the administration, policies, or individual members of the force, should attempt to change the subject of the conversation. This is preferred to discussing the matter, unless the criticism is based on erroneous information that can be easily corrected. Naturally this depends on the company present, the justification for the criticism voiced, and on the officer's ability to refute an unjust criticism.
- (c) The officer must also avoid giving impressions of officiousness, haughtiness, aloofness and condescension. The officer's language is important too ;

sloppy habits of speech with poor diction and faulty English (or the language of the region in which he is stationed) impress the listener unfavourably, as does loud, rough, boisterous talk and conduct.

- (d) He should remember that the best measure of a good conversationalist is his ability to listen ; by listening more and talking less, the officer also obtains more useful information. The officer must not use too much of the businessman's time or talk too much.

45. *Personal habits* : Unpleasant personal habits, many of them quite unconscious nervous reactions, may mar the relationship between the officer and the citizen.

- (a) He should, therefore, avoid hawking, spitting, tapping his finger or foot, whistling, and giving other outward evidence of restlessness and nervousness that annoy the listener.
- (b) The officer must recognise and respect the sacredness of the person of the other man; nothing so irritates some people as to have another person touching them. Consequently he must avoid back slapping, fore-finger chest poking, leaning on the shoulder of someone in a group, constant hand shaking, and putting his face close to the face of the man to whom he is speaking.
- (c) Whether on the street or at headquarters, officers should not smoke while speaking to a citizen.

46. *Privileges the police must forego* : The officer must bear in mind that when he enters the service he waives some of the rights and privileges enjoyed by other citizens.

- (a) As an officer he is not entitled to lead a private life according to his own whims, without regard to public reaction. His must be an exemplary life; the public expects the officer to practise what he preaches and to conform rigidly to regulations imposed on others. He must, therefore, give strict attention to his conduct and reputation; since the public is hypercritical, he must not only avoid evil, but he must avoid the appearance of evil.
- (b) In his social life he must avoid questionable associates and seek recreation in the company of irreproachable character and reputation.

- (c) He must avoid domestic difficulties more assiduously than the average citizen; he must not gamble; he must be unusually temperate in the use of liquor, or abstain altogether from its use.
- (d) The officer must also forego the privilege of becoming angry. He must remember that there is no law against making a policeman angry; that he cannot charge a man with offending him; that until the citizen acts overtly in violation of the law, he should take no action against him, least of all to lower himself to the level of the citizen by berating and demeaning him in a loud and angry voice. The officer who withstands angry verbal assaults builds his own character, raises the standard of his department, and usually mortifies the citizen in his secret heart.

47. *Developing a friendly police attitude* : The mental attitude of the officer is quite as important as his appearance because it influences his conduct and reactions to the public. The citizen with whom he is dealing will sense the officer's attitude in four ways : by his facial expression, by his actions and bearing, by his voice, and by the words spoken. The importance of attention to these four expressions of attitude is emphasised when the officer understands the psychological reactions involved. Firstly, people react physically to the state of their minds and emotions; they give physical evidence of friendship and hate, of fear and courage, of likes and dislikes. An officer, when confronted by a task or a person he finds disagreeable, will involuntarily give some physical evidence of that dislike which will be apparent, either obviously or subtly, to the citizen. Secondly, people tend to develop within themselves the emotional or mental state of which they give physical evidence. Consequently a suitable feeling towards the public may be promoted in officers by requiring them, in their public contacts, to give physical evidence of the desired attitude. Thirdly, people tend to develop within themselves the emotional or mental state they see evidenced in the person with whom they are dealing; almost everyone reacts to a smile with a smile, to a scowl with a scowl, to harsh words with harsh words, and to a blow with a blow.

- (a) That is why the officer should give attention to his facial expression, to his actions and bearing, to his voice, and to the words he uses in dealing

with citizens. The citizen's smile given in response to the officer's smile creates a friendly feeling in the citizen, while by the same reaction, the officer's scowl or unfriendly manner or words create an unfriendly feeling. Thus are public attitudes towards the police influenced by the police themselves.

- (b) First of all the facial expression of the officer should be friendly. This does not mean that the officer should go about with a continual grin (although that is preferred to a perpetual scowl), but it does mean that he should greet every person with a friendly smile. The friendly expression will be solicitous when listening to the tale of woe of a person in distress, and it will be attentive when conversing, especially when listening to a complainant or to someone seeking information or assistance.
- (c) The actions, demeanour, and bearing of the officer should likewise give evidence of attentiveness and of his willingness and desire to be helpful. In contrast to a position at a counter from which he should not rise because his eyes are on a level with his listener, he should not remain seated at his desk when conversing with a citizen; when such position is desired to facilitate note taking or other desk activity, he should arrange for the citizen also to be seated. The officer should not launge or lean against a support while conversing, but he should stand erect facing his listener.
- (d) When someone in a car asks for information, the officer should approach the vehicle and stand in a manner to enable the citizen to hear his instructions clearly.
- (e) When stopping a suspect, he should take all necessary protective precautions but his actions should not be belligerent. His bearing at all times should be one of self-confidence; he should never betray indecision or lack of confidence in performing his duty. His demeanour should invariably be friendly.
- (f) The Officer must not permit evidences of impatience, anger, intolerance, scorn, ridicule, or sarcasm to creep into his voice, if he would avoid having them

reproduced in the voice of the person with whom he is dealing. The voice often betrays the emotional state before other outward evidence is apparent.

- (g) The voice should be friendly, it should carry a smile in telephone conversations, and it should be self-confident. No matter how rough the going may become, the officer who keeps his voice at a normal conversational pitch has an advantage over the excited citizen; his voice will not only influence the emotional state of the person with whom he is dealing, but it will influence his own emotional state as well. Even a noisy drunk will usually respond to a whisper with a whisper.
- (h) The officer should studiously avoid wisecracking lest he be misunderstood. The choice of words is as important in handling difficult situations as is the manner in which they are spoken.
- (i) When dealing with an irate citizen, the officer must be especially careful to avoid statements that may be misconstrued, and when his statement is misconstrued, the officer should correct it at once. His words must give further support to his appearance of self-confidence.
- (j) When seeking information, the officer should deal with the individual as though it were an established fact that he has the information and that he will give it. This is accomplished by the use of affirmative questions, in contrast to negative ones. For example, the officer would ask "What did you do with the gun ?", not "Did you have a gun ?" and "Where is Bill Smith tonight ?", not "Do you know where Bill Smith is tonight ?" or "You don't happen to know where Bill Smith is, do you ?"
- (k) Similarly in dealing with a citizen the officer should offer assistance by saying "May I help you ?" or "Is there something I can do for you ?", not "What do you want ?" or "Well—what is it ?"
- (l) The officer should also observe the common social amenities; the officer who says "I am glad to be of service" to a citizen who has thanked him for information or assistance leaves an impression of

courtesy and of willingness to be of service. If, instead, the officer makes no reply or gives his services grudgingly, the citizen feels resentment and will be influenced by it whenever he thinks of the police.

- (m) He must not forget that he is a public servant, and he must maintain a friendly attitude reflecting his willingness to serve.
- (n) The well-trained officer will infrequently fail to dispose of the matter in a friendly but impersonal way, even in those instances where sterner measures seem required. The officer's business with a citizen can almost invariably be transacted most effectively and satisfactorily on a friendly basis.

48. *Relationship with complainants:* The police should give careful attention to the manner in which they deal with complainants and offenders if the police are to establish the best possible public relations. Police contacts on the part of many persons are restricted to occasions when they have a complaint to make or are suspected of an offence. In both instances the officer must remember that the citizen (complainant or offender as the case may be) is likely to be somewhat emotionally upset.

- (a) A citizen calling at headquarters or approaching an officer on the street to make a complaint should be accorded a suitable reception. The officer should indicate by his manner his willingness to be helpful ; his demeanour should reveal alertness and interest, not indifference ; and his face and voice should be pleasant.
- (b) The complaint clerk and the officer on the street should be alert not to ignore a citizen who has a request to make or information to give. The hesitant manner of a citizen sometimes reveals a timidity the officer should dispel at once by putting the citizen at ease ; the officer should meet him more than halfway, and give him every opportunity to present his subject. Unless busy with another citizen, the officer should offer his services by some simple statement, such as "May I do something for you, Sir ?" When making this offer, he should not give an appearance of distraction, but should

focus his attention on the person he is addressing, thus proving his wholehearted sincerity. He should use the common expressions of courtesy, such as "Sir" and "Madam," and when speaking to an individual whose identity has been revealed, he should refer to him by name. This procedure is courteous, it is flattering, and it helps to fix the name in the officer's mind.

- (c) A citizen should be given opportunity to tell his story without needless interruptions although the officer may, when necessary, assist with intelligent questions and with evidences of sympathy and assurances of aid. The officer should not permit his attention to be diverted to other matters but should look at the citizen while receiving the story and asking questions. Even though the matter is of little or no importance, the officer should take notes and otherwise treat it with respect, since it is of concern to the citizen.
- (d) When the subject-matter requires the attention to some special branch of the service, the officer should avoid giving the impression that he is pleased to have rid himself of the annoyance so readily; the citizen should be referred to the specialist in a manner that leaves no doubt of the officer's interest in the citizen and his complaint.
- (e) When a citizen makes criticism or complaints against departmental policies, procedures, programmes, and acts over which policemen have no control, the officer should refer the complainant or the critic to suitable authority for audience for the effect they have on the listening officer rather than in the expectation of corrective action.
- (f) When the officer believes that the complainant or the critic is sincere in his desire to improve the police service or to correct an unsatisfactory condition, he should report the matter to his superior officer.
- (g) Suggestions considered by a sincere citizen to be of some value to the police should be accepted in the spirit offered, with all possible graciousness, even though the subject-matter may gall.

- (h) In case of complaints against actions of subordinate officers which are frivolous and without foundation, the officer must not permit a shadow of doubt to appear on his face or in his voice, and he should maintain a friendly attitude towards the complainant throughout the interview. The complainant is usually under nervous tension and emotionally upset over the incident in question. It is well, therefore, to place him at his ease and allow him to get the complaint "off his chest" as soon as possible; the relief thereby afforded assists him to forget the incident. If the complainant is not permitted to unburden himself in this manner and is treated coldly and without consideration of his rights as a citizen, the incident will assume exaggerated proportions; an attitude of distrust and resentment will be consequently engendered.
- (i) The supervising officer should assure the citizen that the incident will be investigated; however, he should not question the policeman in the presence of citizen or permit them to meet. He should avoid, when possible, a promise to report to the citizen the results of the investigation and the action taken. If the complaint was correctly received, the citizen will usually forget the incident after he has had time to think the matter over. This does not mean, however, that the commanding officer should do nothing further. A complete investigation should be made and reported to the chief of police, and suitable disciplinary action should be taken if the officer is guilty of misconduct.
- (j) On receiving any complaint, the officer should thank the citizen for his kindness in reporting it to the department, no matter how trivial the subject may be. Even though the complaint is largely the product of the imagination of some unreasonable person, or against the department or a member of the force, the officer should not fail to express appreciation.

49. *Handling the offender: soliciting the assistance of the offender: putting him at his ease : permitting him to save face: how to handle traffic violators:* In dealing with an offender, the officer finds himself in a difficult position. The situation must be handled so diplomatically that the offender is not



unduly embarrassed, yet so firmly as to leave no doubt of meaning in the mind of the violator. A proper attitude is essential to effective accomplishment; it must be positive and pleasant, yet impersonal. It is not the duty of the officer to penalise, embarrass, irritate, lecture, or scold the offender; he should do one of three things: (1) inform the violator of his offence (this amounts to a warning); (2) give him a citation or notice of violation; or (3) place him under arrest. The following are certain rules for guidance of the officer handling the offender :

- (a) The officer should attempt to establish a common ground of understanding between himself and the person with whom he is dealing, who is either antagonistic or quarrelsome, on the one hand, or frightened and perhaps on the verge of hysteria, on the other.
- (b) When time permits, and time is usually available the officer should not press his attack when his opponent is physically and emotionally poised for combat until he has attempted to dispel the belligerency.
- (c) A common ground of understanding is most readily established by small talk, preferably on a subject in which both have an interest. Sometimes an effective method of creating this friendly understanding is for the officer to praise or take an interest in something owned by or connected with the subject. The officer may enquire as to the offender's satisfaction with his automobile, if it is a late model or of an unusual make; or he may admire some accessory, or the man's son, or dog, or anything he may have with him (except, of course, a female companion); or he may commend the man in the calm and collected manner in which he conducts himself in contrast to the anger and near-hysteria revealed by most persons.
- (d) In dealing with an offender, the officer must avoid criticism, which is a futile control device, and appeal to his finer nature. Generally speaking, any police effort to control public action meets resistance; the citizen usually resents being told what he must do and what he must not do.
- (e) The well-trained officer should overcome resistance and resentment in some situations by soliciting the assistance of the offender by asking for his aid in overcoming an unsatisfactory condition.

- (f) In some situations which cannot be handled in this manner, the officer has a more difficult task of overcoming resentment, which may sometimes be accomplished by diverting the offender's attention to other matters by small talk while disposing of the incident. The officer should attempt to put the offender at ease; again small talk may assist in diverting attention and in providing a common ground of understanding, thus relieving an awkward situation and repairing a damage in public relations that otherwise might be difficult to heal. Frequently, however, the officer has no recourse but to permit the hysterical one to proceed; to do otherwise would aggravate rather than correct the condition. These are mostly cases where the police contact is a new and terrifying experience for the citizen. There are some who stand in awe of the police and tremble at the thought of arrest and others whose nervous condition is unable to stand the shock of the encounter. These may, in consequence, experience a deep emotional upset that some times results in hysteria. This applies particularly to women. It is to prevent such an outburst and to correct the situation when it occurs, the officer should handle the offender in the manner aforesaid.
- (g) Some offenders require delicate handling by the officer. Human beings, caught in some dereliction are ashamed and embarrassed, and a drive related to the instinct for self-preservation prompts them involuntarily to cover their embarrassment by some act designed to justify their conduct, minimise it, or in some other way to raise themselves in the eyes of observers to their former stature. This is called face saving. The understanding officer should recognise it when, for example, a father out with his young son "tells the officer where to head in" for the benefit of his young audience, whose confidence in his father's invincibility must be supported at all costs, and again when a callow youth out with his girl friend reacts in much the same manner and for the same reason. The officer should also quickly recognise the same impulse in himself when dealing with such situations; especially the latter, when he also will be tempted to save face.

- (h) So as to create minimum resentment in handling traffic violators, the officer should decide, while stopping the offender, whether the offence will be handled by warning or by citation. This assures that the decision will be objectively based on the observed facts of the violation uninfluenced by the personality, appearance, or words of the offender.
- (i) If an officer serves a citation in consequence of harsh words spoken by the motorist when he would otherwise have given a warning, he is citing the man for having spoken unkindly, and this he should not do because there is no law forbidding unkind words. Only when he recognises the motorist as a persistent violator should the officer be permitted to serve a citation after having decided on a warning.
- (j) Should the offender's words and actions constitute a violation of the law, the officer may arrest and so charge him; the warning, however, should stand as the final disposition of the traffic offence, the arrest being for a quite separate violation.
- (k) Immediately on stopping the offender, the officer should state in an affirmative way why the stop was made, such as, "You were driving too fast," "You ran past the stop sign." Common courtesy demands this explanation.
- (l) Immediately on stopping the offender, the officer should state what action will be taken, such as "I am going to give you a warning" or "I am going to give you a citation." Most traffic offenders will be given warnings, and informing them at once relieves them of some tension and assists in putting them at ease. The officer should not keep the motorist in suspense in order to punish him for his violation. A better relationship is usually established with the violator who is about to receive a citation when the intended action is communicated to him at once.
- (m) The officer should not ask questions up to this point; the information should be given in the form of affirmative statements. Questions are unnecessary and invite conversation from the motorist; conversation usually leads to argument, and policemen never win arguments with citizens. The

question, "How fast were you going?" may lead the offender to think that the officer does not know and is attempting to trap him into an admission. Such questions invite the citizen to lie; if the motorist states that he was within the lawful speed limit, he has in effect called the officer a liar. Officers should avoid placing themselves in this position because even the best trained are not always able to avoid a feeling of resentment under these circumstances. The impersonal attitude is then lost, the citizen becomes resentful, and an unpleasant situation develops that would have been avoided by a correct procedure.

- (n) The officer should deal with the offender as briefly as possible without being curt or discourteous so as to avoid unnecessary conversation. The citation or warning should be filled out when examining the license number away from the driver, thus diminishing the opportunity for unnecessary conversation on the part of the motorist.
- (o) The officer should be courteous and civil. A suitable greeting and farewell, accompanied by a smile and informal salute or wave of the hand, are desirable. The officer should not permit himself to feel that the offender is his enemy, and if the motorist request information after the incident has been disposed of, the officer should supply it in a friendly manner.

50. *Public relations through telephone service* : In view of the increasing use of telephones as a measure of communication between the public and the police it has become necessary to lay down certain rules for guidance of the police. The telephone operator is the first contact with the department of the citizen who telephonically requests police service, and this experience should be as pleasant and satisfactory as possible. In establishing police telephone procedures, the administrator will profit by a study of the methods used by progressive business houses. They invariably give careful attention to the speaking voice of the telephone operator and to the procedure used in receiving calls.

- (a) Particular attention should be given to diction, the correct use of English (or such regional language as is used in a particular place), and to expressions of courtesy in telephone conversations. The officer should be trained to speak with deliberate care and clearness to assure the efficient use of this instrument.

- (b) Incoming calls at police headquarters are important and deserve prompt reply. A person's life may be at stake. Even in trivial matters, the subject of the complaint is the most important thing the citizen has before him at that moment. Frequently, with nerves on edge, he is in such a mental state that little things annoy him ; when kept waiting, he is disgruntled and sometimes justifiably so ; and when he receives a busy signal, he is angered and rightly so.
- (c) Police calls should receive immediate response, even during peak hours ; this necessitates an adequate number of trunk lines and trained operators. Provision should be made to handle out-of-the-ordinary peak loads by transferring calls to record clerks when the load becomes too great for the regular communications staff.
- (d) Commanding officers should make frequent checks by counting the number of rings before their telephone calls are answered in order to curb lackadaisical tendencies. Sometimes the failure in prompt reply is not caused by too much business but by indifferent and poorly trained personnel.
- (e) Attention should be paid to the operator's manner of answering calls. The greeting should not be slow and indifferent but should be crisp and speedy, to indicate alertness and willingness to serve. The immediate "Police Department" is most satisfactory ; it gives all needed information, and when correctly enunciated, it convinces the citizen that the entire department is at his service. The practice in some departments of requiring the desk sergeant to give his name following this greeting is not desirable because the majority who telephone the police are not interested in the identity of the first person who answers, and the unexpected information proves disconcerting. As a general rule these citizens are impatient and want service with the least possible delay.
- (f) The officer answering calls transferred by the operator or on a direct line to a police office, however, should identify himself. For example, calls to the detective division should be answered, "Detective Division, Sergeant Smith speaking".

Calls to the desk of a particular officer should be received with "This is Lieutenant Brown". But if someone else in Brown's office takes the call, he should state "This is Lieutenant Brown's office". An officer regularly attached to Brown's office and prepared to handle the call himself should add "Sergeant Smith speaking."

- (g) The complaint clerk should not be in an obvious hurry to terminate the telephone call, but when the rush of business demands his attention, he should transfer the call to a clerk able to devote time to the satisfaction of the complainant.
- (h) The complaint clerk, however, should not permit deliberateness to develop into indifference; he should manifest an active interest in the case and at the same time direct the conversation so as to be able to cut it off at the opportune time without offending the citizen.

51. *Miscellaneous police services : supplying information : furnishing assistance : services to merchants and householders : identification services : police and the children* : The police are in a strategic position to provide a variety of services to the public. The police should be cognizant of the public relations value of these services, and they should perform them in a manner to promote good will most effectively. They are also justified in expanding their services to the general public in order to further improve their relationships.

- (a) As the public invariably go to the police for information, each member of the force should be prepared to supply it from his knowledge of street locations, street car and bus routes and schedules, distances and preferred highways to nearby towns and more distant large cities, the location of special points of interest, such as public and prominent office buildings, parks, schools, hotels, theatres and other places of public interest.
- (b) Each officer should carry a street guide and directory to assist him in providing information desired by the public. When information is requested, the officer should ascertain exactly what is wanted so that time is not wasted. He should then proceed to give the information deliberately, briefly, and concisely, in a clear tone of voice.

When it is a direction, he should be certain that the location is clearly fixed in the mind of the citizen. If the route is complicated, he should write the directions on a sheet from his notebook and give it to the citizen.

- (c) The officer should look and act as if it was a pleasure for him to be of service. Giving information cheerfully and willingly builds good will, but it will create resentment if the officer scowls, is impatient with the citizen's slowness in understanding, or acts as though he resented being bothered.
- (d) Assistance to motorists with stalled cars by taking the drivers to a telephone or to a point where service is available or by sending help is greatly appreciated by the distressed citizens and hence creates good will; other services appreciated by the public consist of sweeping up glass and covering blood spots with sand at accident scenes and of using flares at night and improvised signs during the day to warn motorists of dangerous roadways.
- (e) In the case of accidents the officer who calls at the hospital to obtain additional information from the victims of accidents can build good will by his solicitous treatment of the victim and by his consideration in notifying relatives and friends, in finding lost property, and in attending to other details that arise when a person has been injured.
- (f) Officers should establish speaking friendships with businessmen and residents on their beats. This relationship creates an information source for the officer, it facilitates a desirable dissemination of police information to the public, it enables citizens to become personally acquainted with members of the force, and it builds good will.
- (g) Police departments should establish inspectional services designed to lessen crime hazards, and they should furnish information and suggestions intended to protect the people from criminal attack.
- (h) Warnings regarding the operation of shoplifters, confidence men, short-change operators, counterfeiters, fraudulent-check passers and other criminal and anti-social elements should be given to

the merchants on his beat by the officer who learns of them as soon as he has handled any assignment or has performed necessary police duties in connection therewith. He should give the merchants a description of the criminal and of his method of operation and request them to telephone headquarters if a suspect should appear.

- (i) The personnel of retail establishments, by group lectures or individual discussion, may be informed regarding the common methods of shoplifting and shortchanging and the points to observe in fixing the identity of a suspect or criminal in mind to assure future identification.
- (j) The officer should seek information and assistance in his police problems from businessmen on his beat. They are pleased when an officer comes to them for advice and counsel. If the officer wants the friendship and co-operation of a businessman, he can win it by getting the man to do something for him. When the officer accepts the assistance and follows the advice, the man becomes identified with the project and considers that he has a vested interest in it, and he becomes interested in the officer as well.
- (k) An officer should not idly seek advice and assistance for the sole purpose of gaining a citizen's friendship. Neither should he seek it when he knows that he probably would not accept it; a failure to follow requested advice does not strengthen friendship.
- (l) The department should establish a rule that the merit of complaints and suggestions relating to traffic hazards is to be ascertained and a report on the results of the investigation made to the citizen who offered it. When a suitable study has been made of the situation, it is as easy to prove to a reasonable person that the suggested regulation is not needed as it is to prove that it is needed when the facts so indicate. This practice proves to the citizen that his suggestions are not ignored.
- (m) In order to minimise the burglary hazard, the police should keep a special watch on homes made vacant by the temporary absence of the occupant.



At the start, this service requires advertising so that the occupant will notify the police of his anticipated absence. The beat officer should inspect the premises on each tour of duty. When, shortly after his return home, the occupant has a call from an officer who has come to determine the reason for finding the house open, the citizen is convinced that he has received a valuable service. Thus the officer has made a good personal contact, and the department has made a good friend.

- (n) The officer should be acquainted with everyone on his beat. The officer by leaflet or by other means of communication should briefly describe the organisation, operation, and policies of the department, give a few suggestions on guarding the home and locking the automobile, some safety pointers with special reference to school children. It should contain specific instruction on action the householder should take in the event of suspicion or trouble: When and how to call the police, how to dial in the dark, and what to do in case of fire.
- (o) The officers should be schooled in what they are to say so that they could become acquainted with the residents on his beat pleasantly and without giving offence. Many people who otherwise would not have done so thus become personally acquainted with the police and with the services of the department. It is by these contacts through social service that general resentment and apathy of the public towards the police may be gradually removed.
- (p) Another service that police department can usefully render is that of filing, in the general alphabetical index, personal property identification cards containing the serial numbers of bicycles, watches, guns, cameras, motors and other privately owned equipment. The owner and the police thus have ready access to essential descriptive information needed if the article is lost or stolen.
- (q) The patrolman should overlook no opportunity to become acquainted with and to win the friendship of children on his beat. A correct relationship established here will influence the child in his

development into a mature citizen; it has important crime-prevention value, because it will assure a desirable attitude in the child and will also influence his attitude towards the police when he becomes an adult. Good will on the part of children also results in the good will of their parents.

- (r) Where possible the department should arrange special events for the children of their locality as a part of their crime-preventive programme and also to create good will. Special attention should be paid as measures for safety and security of the children such as placing proper danger signs at hazardous locations and similar other precautions as are necessary in the interest of the children.
- (s) Police-sponsored clubs, junior traffic patrol, summer camps for boys, special police boy scout troops, and assistance to civic groups in their efforts to help underprivileged and delinquent children, all have a good will value.
- (t) The police should not overlook any opportunity to speak in the schools and before other groups of children.

52. *Some suggestions on the basis of the British Royal Commission on the Police, 1962 :*

- (a) Policemen should be taught from the beginning of his service the need for patience, tact and civility in dealing with others. The subject of relations between the police and the public should be included in the syllabus of the training schools for recruits. The British experience, as observed by the Royal Commission, is that in general they live up to what they are taught.
- (b) The police constable should "set an example of old-fashioned virtues". He should be looked upon as a friend and he should be approachable.
- (c) He must always be fair, but there are occasions when he must be sternly authoritative. His manner and address must be adjusted to the occasion. To some policemen this adjustment is probably instinctive but to others it may come less easily. It is here that the mistakes occur which are most likely to result in complaints from the public. For

example, to magnify a minor breach of a traffic regulation into a grave offence, is to invite a complaint.

- (d) It is no part of his duty to be relaxed, kindly and indulgent towards wrongdoers. These considerations apply particularly to the treatment of persons held by the police for questioning. It is probably inevitable that a suspect whom a police officer already knows to have a criminal record should be interrogated more thoroughly and perhaps more aggressively than a man about whose antecedents nothing is known.
- (e) The police must not colour, exaggerate, or even fabricate the evidence against an accused person. Practices of this kind, if they exist (and evidence about them is difficult to obtain and substantiate) must be unhesitatingly condemned. It is essential that any suspicion that a court may have regarding the veracity of police evidence should be properly ventilated. The head of the department is expected to take the most serious view of such an allegation and make a thorough enquiry into it. The fact that the evidence is not strong enough to justify a charge of perjury should not exclude disciplinary action where there has been exaggeration or suppression of evidence. If a police officer is found to have committed an offence of this kind he should be adequately punished for it cannot be too strongly emphasised that a police force in which dishonesty of any kind is connived at cannot hope for long to retain the confidence of the public.

53. *Standards of ideal police behaviour in Western democracies* : The British Royal Commission on the police, 1962 quoted, in paragraph 329 of their report, the policy laid down in the original instructions to the Metropolitan police 130 years ago which still stands as a creed learned by heart by all recruits to the British police force. It runs as follows:

“ The primary object of an efficient police is prevention of crime: the next that of detection and punishment of offenders if crime is committed. To those ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime, will alone prove whether those efforts have been successful, and whether the objects for which the police were appointed have been attained.

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of the esteem and respect in which the police are held. Therefore every member of the Force must remember that it is his duty to protect and help members of the public, no less than to bring offenders to justice. Consequently, while prompt to prevent crime and arrest criminals, he must look on himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their race, colour, creed or social position, with unfailing patience and courtesy.

By the use of tact and good humour the public can normally be induced to comply with directions, and thus the necessity for using force, with its possible public disapproval, is avoided. He who in this way secures the object he has in view is a more useful police officer than his comrade who, relying too much on the assertion of his authority runs the risk of seeing that authority challenged and possibly, for the time being, over-borne. If however, persuasion, advice or warning is found to be ineffective, a resort to force may become necessary, as it is imperative that a police officer, being required to take action shall act with the firmness necessary to render it effective."

54. As in Britain, these instructions should be impressed upon all recruits to the police service in this country during their initial training. The Commission herein recommends that instructions on these lines be included in the syllabus of training for all the police personnel from top to bottom.

55. The necessity for formulating the basic objectives of police force has been recognised and is summed up in the code of ethics adopted by the International Association of Chiefs of Police in 1957 :

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favour, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public and faith, I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . . . law enforcement."

56. Adherence to such a code is the first step towards realisation of the true spirit of police service. The members of the police service may be required to keep and maintain this or similar code where frequent reference to this may be made.

57. The Commission suggests that the code of conduct on the lines indicated herein ( if accepted by the Government ) may form part of the Police Manual as a separate chapter under the heading Code of Conduct for the Police including therein the existing Rule 5 adapted as necessary.

### C. Code of conduct for the public

58. While stressing so much on the code of conduct for the police laying down their duties to the public, the importance of adequate public co-operation with the police cannot be over-estimated. The view of the Commission, based on evidence in course of this enquiry, that the public do not help the police enough, poses an intractable problem. It is regrettable that instead of helping the police certain members of the public made irresponsible allegations against the police on affidavit and in evidence before the Commission. Certain specimens of such allegations are given below.

59. While describing the incident in the M. S. Law College Hostel in one affidavit made by a responsible member of the public it was alleged thus: **नगरपाल नगर**

"The police broke open the doors with crowbars. They entered inside the hostel. The students, their guests and the hostel employees were indiscriminately beaten. The entire hostel was flooded with blood."

Evidently, to describe that the entire hostel was flooded with blood was an exaggerated story which could not be accepted.

60. In the same affidavit while describing the alleged heavy assault by police on several advocates and merciless beating of many journalists at the meeting at Chandanpadia on November 14, the scene, as compared with Jallianwala Bagh incident, was described thus:

"The entire place was converted to a field of blood. The nearby tank became a tank full of human heads. People escaped by swimming. The police was also all through throwing teargas on these people. A Jallianwala Bagh was enacted inside the closed Municipal compound having a tank within the walls around with small opening."

61. There were also exaggerations noticed in the evidence of public witnesses while describing incidents at Binjharpur and Jagatsinghpur. In connection with the Binjharpur incident it was alleged that after Sk. Gayasuddin fell down hit by gunshot, policemen hit the deceased with boots. At Jagatsinghpur also the charge against the police was that after Krushna Prasad Mohanty fell down as a result of police firing, the policemen assaulted the dead body with the butt-end of the rifle. There are also such or similar charges of alleged police excess made by the members of the public in course of this enquiry. Evidently, these were unfortunate exaggerations made by the members of the public in their version of the incidents about which they stated.

62. This aspect of public reaction to the activities of the police calls for indicating certain conventions which the general public, as citizens of a sovereign democratic republic, are expected to observe in the general interest of the country.

63. In this context, it will be sufficient to indicate generally the responsibility of the public. What they are expected to keep in view is that for maintenance of social order the police is a necessity. The successful maintenance of law and order depends as much upon the existence of police confidence in public support as public trust in the police. The task of the policemen today is more difficult and complex than ever before, and provided he acts reasonably and conscientiously, he is entitled to expect the full support of the public. No recommendation of the Commission can arrest a decline in social responsibility. In this context, the Commission can do no more than point out to the public its effects as indicated hereunder.

- (a) The public should not carry too far unfair criticism of the police. A failure to understand the difficulties that daily beset the police must, in the long run, cause even the most loyal and conscientious officer to lose confidence in himself and interest in his duties. It is, therefore, vital for both the public and the police that a mutual regard for each other should be reaffirmed and maintained.
- (b) The public, as members of a civilised society, should, re-lise their duties and obligations. No doubt, people today are better educated and more conscious of their rights than in former times, but that better education has not brought to the public that realisation of their responsibility in this regard expected of them.

- (c) The public should remember that the interests of the police and those of the public are identical. The police are recruited from the public and they remain as members of the general body of citizens. They rely on the public, just as the public rely on them.
- (d) We all should keep in view the position that without mutual confidence and good will police service, possessed of few powers which are not shared by all members of the public alike, cannot maintain law and order among a population of millions.
- (e) The police in carrying out their task of maintaining law and order is not to be regarded, mistakenly, as agents of the State and not of the law. Young people particularly may be misled into this error, for it is natural for youth to espouse radical views and to challenge established authority. There are indications that our society may be entering upon a period of increasing strain between the authorities and certain minority elements. In this context, appropriate steps may be taken by the Government to include in the school curriculum some instruction on the duties and functions of the police and their need of help from the ordinary citizen. The press and broadcasting authorities also have a responsibility towards the community in the image of the police that they present.
- (f) In a democratic set-up everyone must feel that he is participating in the organisation which governs him. He should feel that he governs himself. The public should not be confused or misled by propaganda.
- (g) The public should remember that police are not the makers of the law. While the law remains as it is, the police—and in fact the administration generally—must enforce it. Those who desire to protest against or alter the law should remember this and not direct their demonstrations against the police, who are merely doing their duties. We hear frequent suggestions that social legislations should be modernised with the aim of bringing it so far as possible into harmony with public opinion, although much legislation of this kind has already been

reformed in recent years. The point is that the law which is not easily enforceable and the need for which is not widely accepted, tends to be a bad law because it brings the whole body of law into disrepute; the police tend unfairly to incur resentment if they seek to enforce laws of this kind. The police have no discretion to be selective in regard to the laws that should be enforced; and it is the responsibility of Parliament to review social legislation from time to time to see how far it can be brought into accord with modern ideas and requirements.

- (h) In making complaints against the police where they go wrong, the complainant should state the facts and not indulge in exaggerations which cloud the issue and make it difficult for effective probe and enquiry. While assured that the complaints by the public against the police must be effectively dealt with, it should be remembered that members of the police service constantly in touch with the public are particularly exposed to criticism. In the matter of complaints by the public, they should be cautious because the appearance of greater justice to the public is liable to be bought at the expense of the police. The reason is that the personal responsibility of the policeman and the need for him to act on his own initiative, together with the fact that the police are constantly exposed by the nature of their duties to irresponsible and malicious complaints by criminals and ill-disposed or mentally deranged persons, combine to make them an easy target; consequently it is essential not only that they should be brought to account if they do wrong, but also that they should be given proper protection so long as they do right.
- (i) The public should keep in view that the morale of the police and hence their efficiency would be seriously undermined if they were to lose confidence in the ability of their superior officers to protect them so long as they do right, and ultimately the public would suffer; this protection can best be given by their own superiors, who understand the hazards of police duties and are in the most favourable position to sift the obviously false allegations from those that appear credible.



- (j) One should be cautious not to advertise suspicion against authority out of grudge against the police. In the nature of things there will inevitably remain a number of complainants who would continue to express dissatisfaction with the way in which their complaints have been handled; some people are biased against the police and never admit to being satisfied; others may protest that a conflict of evidence, involving one man's word against that of another, should have been resolved in their favour. There is no way of satisfying naturally vexatious persons or those who make it their business to advertise suspicion against authority. In this context, we are reminded of Burke's observations "it is a general popular error to imagine the loudest complainers for the public to be the most anxious for its welfare" in a publication "The present state of the nation".

#### **D. Code of conduct for the students:**

64. As experienced during the last students' agitation in Orissa there were series of incidents of deep significance—radio shop incident, assault on a bus conductor, "Mock Assembly" and breaking of police statue as specimens of student behaviour—which call for laying down certain conventions of ideal student behaviour. In the present context of widespread student indiscipline all over the country, the necessity of such a code is felt by almost all having to deal with the students generally.

65. The enforcement of the laws by itself cannot solve this problem of student indiscipline. The internal fermentation among the students finds expression in external behaviour which happens to conflict with the laws of the land. This cannot be solved by enforcing the Indian Penal Code or the Criminal Procedure Code. The problem calls for much deeper thought for solution. This is a matter for psychological approach and no amount of superficial thinking can solve it.

66. The discipline among students can never be enforced by law; it must come from within and that is the aim of education. The fact remains that it is the fault of our educational system and those who administer it. The upbringing of the children while at home, their schooling in the primary schools and ultimately their education in the colleges have

all been faulty. In one word, we have never taught them from the very beginning how to behave ; the parents did not teach at home nor did the teachers at schools and colleges. The modern youth is the product of the environments—social, political and economic—which surround it. These had their effect on each individual student as he is placed today in society.

67. The necessity for telling the youth as to how to behave in the world they are living today was all the greater in the post-independence days where new forces come to act. The responsibility of the parents, teachers and the educationists generally was all the more to direct the youth properly which they failed to do.

68. It is no use then to blame the students for the way they are behaving. The problem of students' disquietude is a creation of the society. It is the cumulative effect of the social, political and economic conditions of the country in general.

69. *The Orissa Education Code* : In the present context, it is a fact that in the volume of what is known as the Education Code there is nothing to indicate how the students should behave in the form of a code of conduct. The relevant provisions of Section II of Chapter V on 'Discipline' covering Articles 207 to 224 deal with (a) Punishment; (b) Rewards and Prizes. The relevant Articles in this portion of the Chapter on 'Discipline' are these :

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(a)—*Punishments*

207. *Some Standard forms of Punishment* : The following are some standard forms of punishment:—

- (i) Impositions
- (ii) Detention
- (iii) Fines
- (iv) Corporal punishment
- (v) Rustication
- (vi) Expulsion

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(2) Inspectors should see that the power of giving corporal punishment is not abused.

208. *Imposition and Detention* : Imposition and detention should be used in cases of neglect of work.

209. *Impositions* : Impositions when given should be of such a nature as to require intelligent work. Except in cases where the object is to teach correct spelling, pupils should not be required to write out certain phrases or series of words in a mechanical way. The best form of imposition is a passage of prose, set to be learnt by heart. In this case, the master must be careful to insist that the passages are properly learnt. It is better to set passages of prose than passages of poetry.

210. *Detention* : In the use of detention the following points should be noted :

- (a) If pupils are put into a detention class, they must be given a definite task to do during the period of detention.
- (b) The class must be in charge of a master who is capable of keeping strict discipline, and of seeing that the pupils do their appointed tasks properly.
- (c) Detention should not exceed half an hour on any day.

211. *Fines* : Fines should be inflicted—

- (a) In cases where the guardians of the pupils are partly to blame, e. g., in cases of late attendance. It is within the power of guardians to see that their wards leave home in proper time.
- (b) In cases where a master wishes to attract the notice of a guardian to a particular offence.
- (c) In cases where damage has been done ; the fines should then be used to pay the cost, or part of the cost, of repairing the damage.

212. *Corporal Punishment* : Corporal punishment should be used—

- (a) In the case of grave offences which are not serious enough to merit expulsion. Instances of such grave offences are insubordination, lying, cheating, bearing false tales about others, making false excuses.
- (b) In the case of a continued repetition of minor offences, which minor punishments have failed to check.

213. *Rustication* : (1) Rustication should rarely be employed and should not be imposed for less than three months. It may be regarded as an alternative to corporal punishment in cases where the parents object to that punishment, or where that punishment is otherwise objectionable.

(2) A student who is rusticated or expelled or whose name is removed from the school rolls shall, as soon as his name is struck off the rolls, leave the school and vacate the hostel, if he is a resident of the same, irrespective of his having paid the school or hostel fees in advance or not. Such fees, if paid in advance, shall be forfeited to Government. If such a student does not leave the school or the hostel by the date he is required to do so, he shall be liable to pay such penalties or surcharge as the Headmaster may direct for everyday he overstays in violation of the order and shall also be subject to any lawful course of action including employment of such reasonable amount of physical force as may be necessary by the Headmaster for enforcing his compulsory removal from the school or the attached hostel.

214. *Expulsion* : Expulsion should be used only in the case of very grave offences. The conditions which justify its use are these—

- (a) There is no reasonable prospect of the moral reformation of the culprit.

- (b) The retention of the culprit in the school will endanger its moral tone.

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219. *Other punishments* : A master will often be able to impose other punishments which will be more suitable to certain offences than the punishments which have been mentioned above. When this is done, these three considerations should be borne in mind:—

- (a) The punishments must never be in any way cruel.
- (b) A punishment which will occupy a pupil in the open air will be more beneficial than a punishment which confines him in a class room.
- (c) When possible, the punishment should take the form of some useful occupation.

220. *Remonstrance* : Before a teacher turns to punishment he will naturally commence with remonstrance and reasoning and will show his disapproval, which may in itself suffice to meet the case. A warning in many cases will be found to be sufficient, especially if it is accompanied by entry of the boy's name in the conduct register.

221. *Responsibility for the junior section of High Schools* : In each high school, as far as possible, the assistant headmaster or some other teacher specially selected for the purpose should be placed in general charge of the junior classes, and should be held responsible for the welfare and progress of the boys in these classes, which may be regarded as constituting the junior or preparatory section. For this purpose it is not absolutely necessary, though it is desirable, that separate buildings or wings should be occupied by the preparatory and senior sections, respectively.

222. *Class Masters* : As far as possible, especially in the lower classes, one teacher should teach and be responsible for each class. Even in the higher classes of high schools the responsibility for each class should be assigned definitely to one teacher. Each class master should be responsible for the welfare and the general intellectual and moral progress of the boys of the class definitely assigned to him. These instructions are not, however, intended to prevent the grouping of boys for instruction in different subjects according to their proficiency in those subjects, where the strength of the school staff renders such grouping possible.

#### (b) Rewards and Prizes

223. *Method of choosing Pupils for Rewards* : The distribution of rewards must generally be based upon marks and these marks should represent the opinion of more than one master.

224. *A suggested system for the Award of Prizes* : Prizes may be given to all pupils who have shown a certain standard of merit. The advantage of this system is that it eliminates the spirit of undue competition."

It is to be noticed that most of these provisions were introduced more than 50 years ago as early as 1915.

70. Chapter III of the Education Code deals with colleges. Article 113 on 'Discipline' provides to the effect that the Principal of a college is responsible for the maintenance of discipline in accordance with the regulations of the University and the rules of the Department. The Principal of a Government college must report at once to the Director all cases in which rustication or expulsion has been inflicted. The cases in which an appeal may be made by a student from an order of the Principal of a Government college are indicated in rule (6) of Article 122. In the said Article there is also provision for coercive measures to be taken against a rusticated or expelled student if he does not leave the college or hostel by the date he is required to do so.

71. As regards attendance at political meetings, Article 114 provides to the effect that no permission is required for college students other than boarders to attend political meeting, but they should so conduct themselves as not to bring themselves into undesirable prominence and they must not take any active part in the proceedings; that it is to be borne in mind, however, that colleges exist for the purpose of education, and politics in colleges should always be dealt with in a scholarly way in the form of lectures and thoughtful addresses. The Principal may, however, prohibit all students from attending a political meeting, if he apprehends a breach of the peace or that communal feelings will be aroused. There is a note under rule 14 to the effect that enrolment of students as "volunteers" for social work in connection with political meetings does not constitute on their part "taking an active part in the proceedings"; the volunteer must on no account be used for political purposes.

72. There is also a provision in the Education Code giving ample power to the Principal to control the students so that they may not get involved in active politics. Article 115 provides to the effect that the Principal in consultation with the President or Chairman of the Governing Body of the college may prohibit students from attendance at any meeting which they jointly deem unsuitable or unseemly. Article 116 provides that any student on the rolls of a Government or aided college, who wishes to join any club or society outside the college, which has not been approved by Government, must obtain the approval of the Principal before doing so ; breach

of this rule will be regarded as a serious offence; permission will ordinarily be granted by the Principal on presentation of a written and duly signed request from the student's father or natural guardian. Article 117 provides that no club or society should be started or maintained in any Government or aided college without the approval of the Principal, nor shall it be affiliated to any outside body; it is permissible for societies to be formed for the quiet and scholarly discussions of current political problems, but meetings of such societies must be open to all members of the college and of the staff; members of the staff may act as office bearers of the societies, if invited by the students to do so, and will always do all they can to further the interests of clubs of all kinds; no person, who is not at the time a member of the college, may be a member of any such club or society, or may address a meeting of such, save at the invitation of a person duly authorised by the Principal.

73. It is quite understandable that in view of the numerous aspects of the problem it is not possible to incorporate in a code everything covering all aspects nor is it desirable to have a written code of conduct in regard to such delicate matters in handling the students. In fact, some educationists in reply to the questionnaire sent to them express the view that they are not in favour of a code of conduct as such for students with which the Commission agrees for obvious reasons.

74. *Some lessons from the movement* : The four incidents—radio shop, bus conductor, Mock Assembly and police statue—are sufficiently indicative of the inner working of the student mind generally which impelled them to agitate violently.

75. Let us take these four incidents one by one and see what lessons the students can profitably draw from them for their future guidance.

(a) The lessons one can draw from the radio shop incident at Cuttack are these:

(i) The students should not have taken the law into their own hands. If a particular student had in fact been assaulted by anybody, in the normal course it should have been reported to the police immediately for action as the law requires it.

(ii) The students should not have resented the presence of the police at the radio shop when they arrived there for investigation. Even at the spot the students should have reported

the matter to the police where the officials including senior police officers and magistracy were present.

- (iii) The students should have realised that police and magistracy were servants of the public entrusted with the duty of maintaining law and order. If the students had any reason to be aggrieved about the conduct of the police, they could have made complaint to higher authorities in due course.
  - (iv) It is unfortunate that the students requested their Union representatives to deal with the man who was alleged to have assaulted a student. The students should realise that the College Unions are not to be misused for such purpose outside the campus as they sought to do.
  - (v) The activities of the Student Unions are to remain confined within the college campus. The College Unions are no substitute for law and order authorities.
  - (vi) The students should have listened to and taken the advice of the Principal, teacher of Engineering School and the Principal of the Ravenshaw College who arrived at the spot to help the students and assured them that they would take up the matter in their hands. The way the students behaved even with their teachers is regrettable; such disrespect and disregard shown to the college authorities shows that the students were up for trouble and to deal with the matter themselves regardless of consequences.
- (b) Similarly, the lessons from the incident of alleged assault on a student by a bus conductor at Bhubaneswar are that the students should not have gone out of their way to deal with the bus conductor themselves; they should have realised that it was a matter for the police to deal with in accordance with law; they as students should appreciate that the basis of democracy is respect for law and authority. If they had any real grievance against the authority they should have moved in a constitutional manner and taken advice of the respective educational institutions to which they belonged.

- (c) Then followed the 'Mock Assembly' incident at Bhubaneswar. The students in a cooler moment would appreciate the deep implications of their behaviour inside the State's Parliament. They are expected to know that the Legislative Assembly is the supreme law-making authority of the land; it is the citadel of democracy; their attack on the Assembly Hall and their holding there of a mock-show of a sitting of Parliament showed to the world that even our educated youth have not yet imbibed democratic ideas on which our very Constitution is based. The students should realise that they represent the nation; their behaviour is likely to be misconstrued in various ways outside the country in the international field. In future, the students should be serious in what they do and should not allow themselves to be swayed away by emotions. They ought to know that since independence the country is theirs; the administration which is running the country also belongs to them, in future it is they who have to run the administration themselves. If there is any fault in the administration, things have to be put in order in the manner as provided under our Constitution. They must not use the methods which our politicians formerly used against the foreign rule for gaining independence.
- (d) Then, about the breaking of the police statue, what did the students mean by breaking the dumb statue of a policeman in the very heart of the capital ? The students should realise that the police are the servants of the public. They are recruited from the public and continue to remain members of the public. They are to maintain law and order which is an essential service without which no State can survive. Indeed, the very existence of the State depends on efficient police service to discharge their duty regardless of creed, party and political views. The students should realise that the policeman is to maintain law and order. The students should remember that whatever party may be in power, every Government would need faithful and loyal police to keep the State in order.



76. Apart from these four specimen incidents, the students were found on hungerstrike, resorted to other ways of demonstration as Satyagrahis at different places. This again was a method which our politicians successfully used against the foreign rule. It is not understandable how after independence these methods can be used against the Government which is our own. There may be legitimate grievance against the party or the personnel in office for the time being. The students must be told that the differences among parties are only a lovers' quarrel; the students are not to get mixed up in this lovers' quarrel; students should guard against beings exploited by politicians. The old methods—Satyagraha, hunger-strike and black-flag hoisting and other such demonstrations—are not to be used against the Government which is all our own. The general picture which the last agitation gave throughout the State was upsurge and upheaval of the people in general as if against a colonial rule of the imperialists. The students should remember that in no democracy such methods are used against their own Government in such manner. They should know that these ultimately lead to anarchy. The students should know that there are many anti-social elements who take advantage of such disorderly state of things for their own ulterior purpose. The students should be cautious not to indulge in such lawlessness which has a tendency to lead to a state of things over which the students themselves can have no control. Indeed, some of the student leaders who gave evidence admitted that at later stages when some anti-social elements came into the picture, the student leaders lost control over the movement.

77. *Students and politics : College Unions :*

- (a) The students should not allow political parties and party leaders to interfere in their College Union activities. Politics and political parties may be studied by the elder students from the impartial and academic point of view. Most of the Student Unions are working under the guidance or patronage of one or the other of the many political parties, because the political agitationists can, through such Unions, have this force ready at hand to follow their behests. This state of affairs must change. It is unnatural to expect that agitations, where passions are roused, will leave the impressionable, emotional youth with abundance of energy, cold and unaffected. The promoters of agitations, desirous of strengthening

their movements by adding to the number of participants to make them effective, cannot but be tempted to exploit this volatile youth force.

- (b) the students should not participate in any political agitation; active politics works as a distraction to their studies. They should assimilate political ideas first before they decide to join a particular party. This should apply equally to college and school students. There are however matured students, already employed in some work, attending evening courses or registered for correspondence courses who should be kept outside the category of students properly so called and should be allowed to behave as matured citizens. The students may acquaint themselves with political ideologies and make a comparative study of their merits. The College Unions should not be misused for purposes other than what are permissible under their Constitution. The students can adopt a Constitution in which politics and outside interference should be banned; it should be so drawn up as can provide training in carrying on student welfare work democratically by the students themselves.
- (c) the students should remember that knowledge in politics requires deep study of appropriate literature on the subject which in view of the changing world conditions is already vast. The students should remember that the greatest political leaders of the world in the past were initially serious students of politics; the expelled leaders of the Russian and French Revolution made researches in the quiet corners of the British Museum in London, the fruits of which they gave to the world.
- (d) the elections to the Student Unions should be fought only on a programme of welfare activities of students. The undesirable feature in the existing system of elections to these bodies lies in the fact that they are fought on political lines. These elections should be run without any political bias introduced from outside. They should run their respective College Unions on their own without any interference from outside.

- (e) The students should not allow the sanctity of their educational institutions to be in any way interfered with by outside interference.
- (f) The students should know that there are rules that must be obeyed and there are authorities that must be recognised. It is to be put to the credit of all organisations that they do carry on their activities within the disciplined framework of accepted law and order.

78. *No written code of conduct for students feasible* : The question is : What is it that our youth needs ? In some youth organisations discipline is imposed from above, while in others the aim is to encourage members to accept self-discipline for themselves. The difference between these two concepts is mostly and clearly seen, if Brigades and Scouts are compared. The Scout view is that discipline is an inner quality and that it is developed by encouraging efficiency and controlled independence in the individual. The other point of view is that only by drilling to the last degree of precision, until technique and exactitude of movement have become reflex habits, can true discipline be established.

79. The weight of opinion today in this matter would come down on the side of Scouts rather than on the side of the Brigades and much has been written in recent years about social dangers and psychological limitations of military drill in education. It is to be remembered, nevertheless, that boys and girls in late childhood and in the early teens drill can provide a sense of solidarity with the community and an experience of disciplined order which together give them that security which best facilitates all true personal development.

80. It is not however suggested that it is only by the wearing of uniform or by participation in military drill that this sense of community and this awareness of law and order can be communicated to young people. It is not impossible for membership of a team, as in a sports league, to offer the same kind of experience.

81. It is from this Scout view of education that some educationists are not in favour of laying down a code of conduct for students which purports to enforce external law for discipline.

82. That apart, there are so many aspects of student welfare that it is not possible to suggest any comprehensive code of conduct laying down conventions. The conventions will naturally grow from within if certain ideals are kept before them which parents, guardians at home and teachers at schools and colleges are to inculcate in them by their own example with love, affection and friendly spirit in a friendly way. It is only when all these fail that the wayward students are to be dealt with firmly with stern methods as provided under the Education Code—and not before.

### **E. Code of conduct for political parties :**

83. In view of the finding that the opposition political parties were concerned in the last student's disquietude in Orissa in 1964 the Commission is required to suggest an appropriate code of conduct for them.

84. It is not so much on penal sanctions ( as there are none ) that the Commission would desire to rely for the prevention of abuses of privileges prejudicial to the safety of the realm, as on the good sense of the political leaders themselves who are as much concerned as the party in office to prevent such abuses; otherwise the very same leaders of the opposition, when they in their turn would come to office, are likely to be embarrassed by the kind of difficulties which they themselves created against the party in office.

85. It would be impossible to dissociate memories of the last students' agitation in Orissa from the pronounced differences among the political parties or among group therein which are stated to be its main cause. When the student movement in Orissa in 1964 was initiated it was apparently not obvious to its promoters, as it was to all thoughtful persons, that the unsettling effect of their encouraging the students in general to break laws was likely to lead to a situation which might involve the overthrow of all law and order. The bitter experience of 1964 removes this question from the category of doubt, and those who henceforth inaugurate such movement from whatever motives cannot feel uncertain as to the consequences of invoking forces which they can neither direct nor control. The Commission can only hope that this lesson has been learnt once for all and that in the future all right thinking persons will set their faces firmly against the deliberate playing with fire which is involved in the promotion of such movements.

86. *Necessity of a code of conduct for political parties :* This calls for need for political organisation and code of conduct for political parties. Politics is no exception to the rule that many people can work together, if only they are organised. Organisation is the key to politics just as it is the key to success in business, war, and athletics. The best way to try to understand the importance of organisation in politics is to realise that modern politics involves a vast amount of work : correspondence, research, fund-raising, writing speeches, holding meetings, planning rallies, telephoning voters, and a host of other efforts.

87. The need for organisation in politics goes back to a question which is basic in democracy : how can millions of adult citizens effectively exercise their individual authority ? In a very small community it is possible to have a town meeting to transact the business of the village. But in a great, modern society, what can millions of people do ? It is a physical impossibility to bring together in a public meeting millions of adult citizens who are the ultimate authority in the democracy. It would be impossible to transact, or house, or feed so large an assembly. How is it possible to overcome the tremendous difficulties that seem to stand in the way of government by the people in a community as large as India ? Ever since the time of Aristotle, the ancient Greek Philosopher, people have classified government according to the number of people participating in the government : government by the one ; government by the few ; or government by the many. The point to be understood here, however, is that the many cannot act the way one person acts.

88. The question still remains : how can millions of people govern ? Unless we can answer this question, we are likely to make fools of ourselves when we try to explain democracy. Government by the people in a modern nation is not something that simply happens. It happens only when the people make organised efforts to control the government. Democracy calls for the collective efforts of many citizens working together. Very large numbers of people achieve power only when they act jointly according to some plan. In other words, they become powerful when they are organised.

89. If the Indian people cannot act as one person, what can they do ? First, they can elect representatives to speak for them. Representative democracy works well only when the people are organised in order to simplify their choices and thus to bring their power to bear on a decision.

90. The practice of prior consultation in advance of elections, in order to agree upon a united front, is an old one, usually described by the word *caucus*. The caucus is the core of party politics; it makes political parties possible and distinguishes them from all other political organisations. In the ultimate analysis the whole procedure is a study in the concentration and dispersion of voting strength. The greater the dispersion, the less the degree of concentration necessary. Concentration is produced deliberately by prior agreement; dispersion is unplanned. The general principle underlying the scheme is that, other things being equal, any unorganised group will show a tendency towards dispersion of its voting strength which can be overcome only by planning, consultation, and organisation. It is important to observe that the caucus technique is effective even when both sides use it. When organised efforts to concentrate voting strength on one side are opposed by equally well-organised efforts to concentrate support on the other side, the second stage in the process is reached, and we may say that a kind of party system has been established.

91. A free party system can exist only if people realise that they may protest against policies or acts of Government to which they are opposed without risk of punishment for having spoken up. Freedom of speech means not only that people may speak against the party in power but that they may organise and run candidates in elections in opposition to the party in power—without fear of being fined, or imprisoned, or of being deprived of property.

92. Since the stakes of party competition are very high in an ideal democracy, it is fair to ask how is it possible to hold elections without tearing the country apart? The democratic political system would certainly be destroyed, if elections produced great violence, bloodshed, or armed attempts to seize control of the government. In hundreds of years of constitutional history, the British and Americans learned much about the way in which the system can be managed so as to make possible the peaceful transfer of power from one party to the other.

93. In our new born democracy in India it is the responsibility of leaders of all political parties to be cautious about how they behave within the party as also in their relationship to the opposition parties. This calls for ideal democratic manners which we call the code of conduct.

94. *Good democratic manners in the shape of a suggested code :*

- (a) All parties must be willing to treat their political antagonists as loyal citizens. The rise of free democratic political systems implies something more than the right of people to organise an opposition party to overthrow the party in power. It is assumed that both sides consist of patriotic and public spirited people who are exercising their legitimate rights to engage in controversy about what is the best policy for the Government to pursue.
- (b) All parties should show this kind of respect for each other. Unless they show this mutual respect for one another, it may be impossible to carry on vigorous party competition without letting it degenerate to the point at which it is likely to destroy the political system.
- (c) Democratic politics makes great demands on the sense of fair play and the good manners of people who disagree strongly. The assumption underlying all democratic politics is that honest, patriotic, loyal, and public spirited people may disagree with each other without imputing bad motives to each other.
- (d) This kind of respect for the rights of others is necessary in a democracy because it is necessary for the winners and losers to go on living together after the election is over.
- (e) We must remember that there are no rights without duties, when we say that democratic party systems grow out of the liberties and rights of free peoples. Every right implies a duty. Thus, the right of freedom of speech implies a duty to respect the rights of others to speak freely also. To some extent it implies the duty to listen to others even when we disagree with them.
- (f) We must be willing to refrain from attempts to break up the meetings of people who are active on the other side, even going so far as to help to protect them, if attempts are made to deprive

them of their rights. The right to assemble cannot survive unless the people who use it are willing also to let other people assemble. Political parties should desist from creating obstruction in or breaking up of meetings, processions etc., organised by other parties. In this context, the Commission notes with regret the way the opposition parties broke the meeting of a particular political party at Chandan Padia.

- (g) Above all, it is necessary for people in a democracy to learn to distinguish between the opinions and the motives of the people. We should be able to differ with the opinions of people without questioning their good motives. It must be realised that in a democratic party system the parties may differ about some questions without disagreeing about everything. That is what we mean when we say that all parties are loyal, patriotic, and public spirited.
- (h) It is in this spirit that parties should agree about very much more than they disagree about the survival of our country, the survival of our civilisation, the welfare of the whole nation including the youth, the democratic way of doing things. It is from this spirit that the political parties should agree not to exploit the students and divert them from their studies and not to interfere with the normal academic mind of the students who form the future of the nation. This body of agreement among all citizens regardless of party is what makes party contests possible and all parties should keep in view the directive principle of State policy as laid in Article 39(f) of our Constitution which provides that the State shall, in particular, direct its policy towards securing that childhood and youth are protected against exploitation and against moral and material abandonment.
- (i) It should be remembered that the contest is not between a loyal and patriotic party on one side and a disloyal and unpatriotic party on the other, nor it is a contest between good people and bad people. A better way of expressing the relations of the parties is to say that two or more groups of honest people with good motives and devoted to the



constitutional system may have legitimate differences of opinions about the nature of the public good. The parties should always remain conscious of the implications of the seemingly harmless custom of the losing candidate congratulating the winning candidate and assuring him of his support and wishing him well when the election is over. The parties should remember that this custom means that the losing side is not going to try to overthrow the government merely because it lost the election.

- (j) Moreover, after the election the leaders of the defeated party are not to be sent to prison, their property is not to be confiscated, they are not to be forced to flee to save their lives, and their families are not to be molested.
- (k) On the contrary good democratic manners demand that the losers in election go on living as they always have: they go about their business as before; they are secure, respected, and honoured members of the community, undisturbed in their possessions and occupations; they have their families and friends.
- (l) The losers at the election are free to reorganise and rebuild their parties and to prepare themselves for the next election.
- (m) If the party in power loses the election, all they lose is *office*, not honour or liberty or property.
- (n) While criticising other political parties in the course of political agitation, the criticism should be confined mainly to their policies and programmes. So also, it is necessary to eschew criticism of the aspects of private life, not connected with the public activities of the leaders or the workers of other parties. Further, no criticism of the parties or their workers, based on falsehood or distortion, should be indulged in.
- (o) No party should indulge in any activity which would create mutual hatred or increase tension between different castes and religious communities.
- (p) The party in power should, while taking measures to maintain law and order, take care not to infringe civil liberties, and should not employ such measures as would stifle the activities of other parties or hamstring their workers.

- (q) Political power, at any level, should not be used for furthering the interests of the members of one's own party or to harm the interests of others.
- (r) With regard to educational institutions, the political parties should look upon Universities and Colleges as sacred places and approach them only for purely academic purposes.
- (s) The political parties should impose a ban on enrolment of students, at least at undergraduate level, as their members.
- (t) Political parties should refrain from taking sides either with one or other group of students on any issue which may crop up in a University or a college and scrupulously leave it to the students and their teachers to solve it. They should eschew interference even when invited.
- (u) Political parties must confine their interests in Universities and colleges entirely to the academic aspect of study of politics and should not use the opportunity afforded for theoretical studies for proselytisation of students as their political supporters or followers.
- (v) Even where the political parties are taking interest in academic aspect of the study of politics by students, they should withdraw as and when called upon to do so by authorities of the University or the college concerned.

#### **F. Code of conduct for the press :**

95. Under the recently passed Press Council Act, 1965, the Press Council in furtherance of its object may, *inter alia*, build up a code of conduct for newspapers and journalists in accordance with high professional standards. In course of this enquiry into students' disquietude in Orissa the attention of the Commission was drawn to certain aspects which need careful thinking. The Commission, as within the terms of the reference, places in this report its views and suggests an appropriate code of conduct which may kindly be considered by the Press Council of India.

96. In the modern set-up of a party system of Government as it exists in this country, the press is more than a vehicle of news, it is an 'organ of publicity', seeking to

influence as well as to register opinion. It is not only a means of information but also a great bulwark of prejudice and instrument for its exploitation. Inevitably it links itself with party. Inevitably, because its modes of influence are so powerful and so pervasive, because by selection, repression, and suggestion it can be so potent a champion of whatever cause it espouses.

97. There are however certain limits to the power of the press. It vastly enlarges the range and enhances the activity of the party, but it does not normally control it. In Britain, Governments have been elected, such as the Ramsay MacDonald government, in spite of the attacks of a large majority of the press. A party-controlled newspaper always speaks with the same voice. Its automatic deliverances tend to be discounted. An opposition press is created by the interests which it attacks and as vehemently accentuates the views of the other side.

98. Above all, the press depends on its circulation, and its financial success is in proportion to its popularity. It is true that its popular appeal depends considerably on devices and services which are altogether apart from the particular political views which it supports. But if it adopts an attitude to which any portion of its readers object, it at once suffers and if it persists in this attitude it may stake its very existence.

99. Nor can any financial support from outside sources compensate for the loss of popularity. Occasionally a powerful press-syndicate can attack the policy alike of government and opposition, but only if it believes that there is in the country a strong body of sympathy for its views. The press, for all its influence, is utterly dependent on the goodwill of its readers. It radiates the influence of party into every corner of the land, and thus gives it a broader and more national character. But apart from that the most it can do is to evoke—and to exaggerate—the existing trends of opinion.

100. Generally speaking, the only way to political power in the modern State has become the persuasion of the public. To this end wealth too devotes itself its chief weapon being its ability to buy and control great organs of opinion. But its efficacy in this respect may easily be exaggerated. Opinion forms spontaneously and has many modes of expression. The great organs of opinion, particularly the great newspapers, may exploit the prejudices of the people but they cannot run counter to them. They are expensive instruments and depend

entirely for their success on the support of those to whom they address themselves. A body of opinion creates a newspaper rather than a newspaper a body of opinion. The press can confirm and strengthen trends of opinion already formed. Public opinion is in the last resort the expression of the character of the public.

101. With this general introduction as to the influence of the press as an organ of publicity the Commission proceeds to indicate certain conventions which may be followed in its relationship to the police and the students who are directly concerned in the subject-matter of this enquiry.

102. *The police and the press:* These relations are important for three reasons: because the press is an important intermediary between the police and the public; because the press has a useful part to play in helping the police; and because the police have a useful part to play in giving information to the press.

103. The press obviously has a great influence in forming the popular image of the police. If police forces were up to strength, with more men on the beat than there are today, most people would have gained first-hand impressions of the police from personal observation. Nowadays, knowledge of the police tends to be second-hand knowledge. This places a great responsibility on the press to ensure that police news and features are fair and accurate.

104. In this context, some of the suggestions made by the Commission are mainly based on the Report of the British Royal Commission on the Police, 1962.

- (a) The press should see that no deterioration might occur in relations between the police and the public owing to inaccurate and distorted reporting of police news. It is their duty to do all they can to put the police in the best possible light. The press has a duty to report the news accurately, and if it is sometimes unfavourable to the police, the press cannot be blamed. However, occasions do occur when the press does disservice to the police because news is reported inaccurately or distorted, particularly in headlines. The defaulting policeman, like the defaulting person or school-teacher, is 'news'; and stories of the prosecution and conviction of policemen are frequently given prominence in the

press. It is not that the reputation of the police service stands or falls by the occasional sensational reporting of allegations against a particular policeman. Sensible people realise that there are black sheep in most families. Moreover, news that a policeman has been prosecuted before a criminal court ought to be regarded as evidence of determination of the head of the police department to deal properly with his men, rather than as an indication of widespread criminal conduct among policemen.

- (b) The press should not distort news of isolated cases of police behaviour short of the usual high standard in sensational headlines but give a reasonably balanced summary without bias.
- (c) It is most important that press should maintain the highest standards in reporting police news. The public interest requires that people should have confidence in the police, and any unfair or inaccurate reporting which tends to undermine that confidence can do nothing but harm. It is to be noted that isolation of the police from the rest of the community inclines them to be over-sensitive to criticism.
- (d) The press should understand that police work under difficulties which may often prevent them from being as communicative as the press would like. Although the interests of both often run in the same direction, there are occasions when they necessarily conflict.
- (e) A better understanding of the difficulties of the police and proper forbearance not only by the press but by others in responsible positions would help everyone.
- (f) Journalists should also remember that policemen are told many things in confidence by people who are under great emotional stress at times of trying or even critical personal trouble. It is most important that every body should be able to rely on the confidence, and integrity of the police, and to look upon them as friends. It follows that many things that come to their ears should remain

confidential—not because publication might prejudice police inquiries but simply because it would be hurtful or unkind.

105. *The press and the students* : In answer to the Questionnaire on the role of the press in relation to student indiscipline the Commission received divergent views on the subject. In the opinion of the Commission there is no reason why there should be a different standard for publication of the news in which students are concerned. The press is entitled under the Constitution to express its views freely on any matter including student indiscipline. The proper attitude of the press therefore should be that in all matters including those relating to students, the press should give a fair and correct publicity to all news regarding them. If the press does not give publicity even for acts of indiscipline of any section of the society the result will be that the misbehaviour will not come to light and it will grow in darkness. So the press should publish all news regarding student activities including cases of indiscipline subject to the limitations of the laws of the land.

106. *Standard of the press generally* :

- (a) A newspaper must sell to live, but it cannot claim that what sells most is by that fact alone justified. It has other obligations : obligations to the past, for newspapers would never have known independence if earlier men had not been ready to sacrifice themselves for principle; obligations to the present and the future, for the press is as much a custodian of national freedom and the qualities of civilisation as Parliament or the courts. It cannot turn its back on these obligations without reducing its stature, for it is on them that its stature depends.
- (b) The journalist should remember that he is not buttressed by constitutional safeguards. The status and the principles which must govern him in the exercise of his duties are less firmly rooted in acknowledged tradition and less clearly defined as for a free Parliament and an independent judiciary. He has commercial obligations that they do not have but he has also obligations to society which are important. It is by the manner and the degree in which these dual demands are reconciled that the press is properly to be judged. The nature of the

reconciliation is not the same for every age, nor is it the same for all newspapers. But its compulsion exists for all and at all times.

- (c) The ideal press provides a full and impartial news service with only such comment as is fair and free from bias and to preserve the independent and local character of the newspapers and their freedom from control by any political party.
- (d) Journalists should maintain a standard of accuracy by avoiding excessive partisanship or distortion in the interests of news value. Partisanship is present in some degree in all the papers. Even though it must be views in the context of the whole political life and institutions of the country, it can and does lead, on occasion, to an excessive degree of selection and colouring of the news. In most papers a study of the news columns alone would leave few readers in doubt about their political sympathies.
- (e) While the press provides adequately for a variety of political opinions, it should cater for a greater variety of intellectual levels. The press should be more serious and better balanced but more varied and easier to read.

#### G. Suggestions of the Commission :

107. In the light of the foregoing discussion the Commission suggests—

##### (i) *Re : Code of conduct for the police :*

- (a) that Rule 5 of Chapter II of the Orissa Police Manual, Vol. I, is insufficient guidance for the police in view of the nature of their work, particularly after independence when public, more so the students, are more politically conscious and more sensitive ; although the Police Manual rule quoted above contains in substance the basic principles by which action of an individual police officer should be governed, this requires further clarification and elucidation in the light of experience of other democratic States in the World ;
- (b) that the code of conduct for the police on the lines indicated in paragraphs 33 to 56 of this chapter (if accepted by the Government) may form part

of the Police Manual as a separate chapter under the heading "Code of conduct for the police" including therein the existing Rule 5 adapted if necessary ;

(ii) *Re: Code of conduct for the public:*

- (a) that the public should keep in view that the successful maintenance of law and order depends as much upon the existence of police confidence in public support as public trust in the police; the task of the policeman today is more difficult and complex than ever before, and provided he acts reasonably and conscientiously he is entitled to expect the full support of the public;
- (b) that the public should not carry too far unfair criticism of the police; failure to understand the difficulties that daily beset the police must in the long run cause even the most loyal and conscientious officer to lose confidence in himself and interest in his duties; it is, therefore, vital for both the public and the police that a mutual regard each for the other should be reaffirmed and maintained;
- (c) that public should remember that the interests of the police and those of the public are identical; the police are recruited from the public and they remain as members of the general body of citizens;
- (d) that no recommendation of the Commission can arrest a decline in social responsibility; in this context the Commission can do no more than point out to the public its effects as indicated in paragraph 63 of this chapter;

(iii) *Re: Code of conduct for the students:*

- (a) that the students should take lessons from the incidents as indicated in paragraphs 75 and 76 of this chapter which are to be treated as part of the suggestions made by the Commission;
- (b) that as regards students and politics, the students should not allow political parties and party leaders to interfere in their College Union activities; politics and political parties may be studied by the elder students from the impartial and academic point of view;



- (c) that students should not participate in any political agitation; active politics works as a distraction to their studies; they should assimilate political ideas first before they decide to join a particular party if they at all choose to do so;
  - (d) that elections to the Student Unions should be fought only on a programme of welfare activities of students;
  - (e) that students should not allow the sanctity of their educational institutions to be in any way interfered with by outside interference;
  - (f) that students should know that there are rules that must be obeyed and there are authorities that must be recognised; it is to be put to the credit of all organisations that they do carry on their activities within the disciplined framework of accepted law and order;
  - (g) that for reasons as discussed in this chapter the Commission is not in favour of laying down a code of conduct for students which purports to enforce external law for discipline;
  - (h) that apart, there are so many aspects of student welfare that it is not possible to suggest any comprehensive code of conduct laying down conventions; the conventions will naturally grow from within if certain ideals are kept before them which parents, guardians at home and teachers at schools and colleges are to inculcate in them by their own example with love, affection and friendly spirit in a friendly way;
  - (i) that it is only when all these fail that the wayward students are to be dealt with firmly with stern methods as provided under the Education Code—and not before;
- (iv) *Re: Code of conduct for political parties :*
- (a) that there is necessity of a code of conduct for political parties for reasons as discussed in paragraphs 83 to 94 of this chapter;
  - (b) that good democratic manners in the shape of a suggested code is stated in paragraph 94 of this chapter which it is unnecessary to repeat ;

(v) *Re: Code of conduct for the press:*

- (a) that there is no reason why there should be a different standard for publication of the news in which students are concerned; the Commission accepts the British view that there is no significant difference in the methods of the press in reporting them;
- (b) that the proper attitude of the press therefore should be that in all matters including those relating to students the press should give fair and correct publicity to all news regarding them;
- (c) that the standard of the press generally is indicated in paragraph 106 of this chapter.



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## CHAPTER XXVI

### MEASURES FOR SUCH SITUATIONS IN FUTURE

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## INTRODUCTION

Students' disquietude is now a multi-phase problem. The question is : What is the remedy ? The last term of reference is this :

“ The Commission shall in its report also recommend measures as to how situations of the nature as developed during the aforesaid period can be averted and met and tackled if and when they arise in future and to suggest an appropriate code of conduct to be observed by individuals and organisations concerned so as to obviate any recurrence of such situations.”

This item of reference consists of two parts—firstly, measures, and secondly, code of conduct. Although code of conduct for all concerned is a part of the measures, it has been separately dealt with. This chapter is confined to measures.

2. The problem of measures or solutions of student indiscipline in general is complex; it is connected with all phases of our life—social, political and economic. In view of the nature of the problem, solution is necessarily difficult; the literature on the subject is scanty and scattered. The problem of student indiscipline is so much intermixed with social, psychological and mainly political factors that it is not capable of solution by mere emphasis on any particular aspect. That apart, with the changing times the measures

have to be suitable to social and political conditions of a particular country at a particular time.

3. Keeping this in view the Commission has to recommend measures by which situations of the nature as developed in the post-independence days can be met and tackled if and when they arise in future. The measures are to be classified mainly under two heads, that is to say, general measures which are applicable everywhere; specific measures by which situations of the nature as developed in September-November, 1964 can be averted, met and tackled if and when they arise in future.

4. In this context, educationists, publicmen, administrators of the State in their affidavits suggested certain measures or solutions of students' disquietude in the State; these suggestions are of general nature which are applicable anywhere in the country ; they are not with reference to any particular institution or to the prevailing peculiar conditions in the State. These suggestions coming from the State's intelligentsia including the Director of Public Instruction, Principals, Professors of the different colleges in the State, politicians and administrators associated closely with the administration and the social structure prevalent in the State during post-independence years in various capacities are useful. They are all competent to express opinion because they had opportunities of coming across different cross-sections of the society, the people and had occasions to observe closely the factors and incidents which all in sequence contributed to the students' disquietude in Orissa during the period in question. The gist of their suggestions in substance is as hereinafter stated.

**A. Measures suggested by Orissa's  
intelligentsia : political leaders, educationists  
and administrators :**

5. *Political leaders* : Mr. Nisamani Khuntia, Secretary, Orissa Citizens' Committee, in his affidavit on behalf of the citizens of Orissa, suggested development of a healthy educational atmosphere amongst the students ; wiping out of ministerial and official corruption ; a system of education where the students may feel that they are in a State which may do justice and establish a rule of law for developing their cultural outlook ; greater facilities for students and cultural discourses, healthy living and building up a healthy mind in an atmosphere free from corruption. It was also suggested that there should be no administrative, ministerial

or other official interference with the management of educational institutions which should be done by the educationists, that is the teachers ; the youth should be freed from the feeling that the Government exists only to oppress them and not to do justice ; any complaint made by the youth should be immediately enquired into and remedied ; there must be special institutional provision for it ; on the whole, the State instead of only police administration should immediately pay greater attention to the educational, cultural, economic, physical and mental development of the students ; employment giving income to the students after a particular age, say after the fourteenth year, should be provided for.

6. On behalf of the Communist Party of India (Orissa Branch), its Secretary Mr. Gurucharan Patnaik in his affidavit suggested that to avoid such national catastrophe in future it is incumbent upon the State Government to appoint a permanent Commission in the nature of any other Tribunal independent of the executive administration which will go into the grievances of the people in connection with any police excesses or against any established authority of the State Government ; this Commission will have powers to supervise and control all police investigations and police actions ; the office of this Commission will be in pari materia that of the office of the Procurator General in Soviet Union and other socialist countries ; furthermore, in case it is found by the Commission that any police officer or executive officer is guilty of any excesses as alleged, he should be given exemplary punishment which will be a lesson for the posterity and will inspire confidence in the mind of aggrieved citizens.

7. Apart from those who filed affidavits, other political leaders also expressed their views in answer to the Questionnaire discussed hereinafter.

8. *Educationists : conservative views and progressive views* : As many as 16 educationists of the State including the Director of Public Instruction, the Principals and Professors of different colleges filed affidavits making their respective suggestions for solution of the problem, mostly of general nature, as discussed hereunder.

9. On analysis, these views can be classified under two schools of thought, namely, the die-hard conservative school and the progressive school.

10. The conservative school expresses the view that administration should be stern in dealing with the students ; that the problem can be tackled by administrative rigidity and rigorous application of the law of the land which might for a time curb the unrestricted exuberance of the youth. From their point of view College Unions should be abolished and replaced by debating societies with the Principals as their *ex officio* Presidents. This school also expresses the view that College Union elections should be stopped and it will be better if College Unions, as organisations of students, are no longer retained in the colleges. While totally discouraging participation of students in active politics the conservative school expresses the view that interference by politicians and political parties with the working and discipline of the colleges must stop forthwith and participation in active politics by students should be penalised. They are also in favour of increasing the workload by keeping the students engaged from morning till late in the evening so as not to provide them with adequate leasure for extra-curricular activities which according to them create dissipation and unrest. It is from this point of view that they suggest making the syllabus heavy and question papers stiff. According to this school of thought, unless a student has adequate pre-occupation to keep him engaged for the major part of the day even outside the school hours, he falls a prey to various social evils.

11. The progressive school, on the other hand, is of the view that the problem of student indiscipline requires psychological approach; love, affection, consideration, patient hearing of the view-points of the student and to a certain extent tolerance of their deficiencies, and that feelings are necessary to gain confidence of the students and to guide them in the right path of discipline, sobriety and sanctity.

12. The respective approach of the educationists expressing conservative and progressive views appears from the measures they broadly suggest in their affidavits as discussed hereunder.

13. Dr. Sadasiv Misra, State's DPI, now the Vice-Chancellor of the Utkal University in his affidavit after discussing the various social forces which combined to keep alive the current of student movement which flares up from time to time suggests that attempts should be made to remove these acute

social forces. The lines on which such attempts are to be made, according to him, are these :

- (a) There should be an understanding among the various political parties that they should have no relation or affiliation to student-groups in the various colleges and Universities; at present elections in the College Unions are conducted in a manner which by their very nature drag the students into contact with political parties; College Union elections are fraught with all the techniques of political elections. It is accordingly suggested by him that College Union elections should be stopped; that perhaps it would be better if College Unions, as organisations of students, are no longer retained in the colleges.
- (b) In view of the admitted position that no institution can work if the head of the institution does not have complete control over the staff and the students, the Principals and Headmasters should be allowed complete authority over them in respect of the functioning of the educational institutions; students should be made to realise that they have nowhere else to go outside the college except through their teachers, Professors, Headmasters and Principals; members of the teaching staff should also be made to realise that they have no outside agency through which they would be able to secure any advantage for themselves.
- (c) In view of the experience of the western countries that unless a student has adequate assignment given to him to keep him engaged for the major part of the day even outside the school hours, he will fall a prey to various social evils—there should be a re-thinking about the workload, both in content and in quality, which should be devised in a manner so that a “whole” man can be created with purposive engagement from morning till late in the evening and educators should give thought in this direction.

14. Dr. Bansidhar Samantarai, Principal of the Ravenshaw College during students' disquietude in 1964 (now DPI of the State) while giving his views on different aspects suggests the following by way of remedies :

- (a) Attempts should be made to provide suitable accommodation for class rooms, examination halls

and library facilities in all the educational institutions.

- (b) No student should be allowed loitering here and there; there should be hobby centres where student should be engaged in doing some work of his own liking and earning if possible.
- (c) Political parties should not exploit the student community in their propaganda work; the student may be free to choose his career and form his political views independently but the political parties should not influence them.
- (d) No student should have any affiliation with any political party; if any one wants to join any club or organisation he should obtain the permission of the head of the institution and the organisation should have prior recognition of the Education Department; there may be organisation for music, drama, physical culture or science clubs.
- (e) In case any disgruntled member of the teaching staff is found to set students against the administration of the college and takes recourse to influencing students to do acts of indiscipline in order to gain popularity among the students, this must be stopped by taking action against such member of the staff by transferring him to some other place.
- (f) Acts of indiscipline should be curbed down; the head of the institution should be respected in performing his duty; interference and pressure in his work in no way should be allowed; in case of acts of indiscipline outside the institution, the law and order of the State should take charge of such matters.
- (g) The Press should be co-operative in keeping discipline of the institution; if they get any information for publication they must verify it from the head of the institution before publishing it; condemnation of the wrong-doer may stop indiscipline to a great extent.

15. The Principal of Gangadhar Meher College, Sambalpur Mr. Brajabandhoo Misra suggests what he believes



to be the solution of indiscipline of the type exhibited by the students during the last agitation.

- (a) There having been a general fall in the moral standards in all walks of life in our country, moral instruction should be introduced at all levels of education as a part of the curriculum to tone up the moral standards and the sense of discipline of the younger generation.
- (b) In view of the misuse of the College Unions for the purpose of organisation of strikes and students' demands and in view of the experience that the main office bearers of the Union interfere with the day to day administration of the Principal, specially with regard to disciplinary matters and the feeling among the students that the College Union is a supreme body with the Principal as its constitutional head and the elected student representatives as the real authorities, it is suggested that the College Unions should be abolished and replaced by "Debating Societies" with the Principals as their *ex officio* Presidents. Though it is apprehended that there would be unpleasant reaction to such a move but, according to this view, all concerned have to boldly face this reaction and take firm measures to abolish the Unions in the interest of discipline in colleges.
- (c) As regards the standard of teachers who are mostly mediocre it is suggested that some form of "in-service" training for newly appointed teachers be instituted ; the curriculum for this type of training may include general teaching techniques, tactful handling of students, departmental rules and regulations and similar topics.
- (d) There having been a definite fall in the standard of examinations in the various Boards and Universities during the past few years, the Universities should make the examinations sufficiently stiff so that the students are compelled to be regular in their studies and find less time to dissipate their energy in unproductive and destructive activities.

- (e) The Principal and members of the staff should take very bold steps to eliminate from the institution the few groups of students who dominate the student life in the colleges by what are called "strong arm" methods ; these students have no mind to study and perhaps were not brought up under strict guardianship during the earlier school days ; once in the college, such students get into the company of bad elements in their senior batches and thus the "strong arm" groups perpetuate. In a college of a strength, say one thousand, the number of such students at any one time is estimated to be between 50 to 60 ; the college administration is to take bold steps against these undesirable elements, particularly when specific charges are established against them ; such students should be refused admission to other educational institutions if the charges established are found to be of a really serious nature ; the Principal should fearlessly follow the correct procedure in dealing with such cases and award punishment according to the rules of the Education Departments and the Universities which allow sufficient authority to the Principals of colleges to deal with such students effectively

16. The Principal of BJB College, Bhubaneswar, Mr. Ram Chandra Rajguru, among other measures of general nature, suggests that a code of conduct should be provided for the students ; according to this code of conduct they should not as a body take up the case of individual students who are assaulted or otherwise badly dealt with by outsiders or outside the college campus ; the individual students should take recourse to the ordinary course of law for redress of their grievances ; if they are baffled in getting redress, it would always be open to them to move higher authorities including the institutions to which they belong. Mr. Rajguru further suggests that the College Union should not interfere with any disciplinary action that may be taken by the college administration against a student ; interference by the College Union or any of its office bearers or by anybody of students by way of threat of strike or any other threat should be construed as a serious act of indiscipline justifying expulsion or rustication as the case may be. In this context the provisions of the Education Code should be rigidly enforced. It is also suggested that wherever students in the name of

the College Union or association indulge in action of indiscipline and lawlessness, the Principal should act firmly and suspend such organisation.

17. The Principal of Shailabala Womens' College Miss Premalata Behera suggests that the Education Code should be strictly enforced; adequate hostel facilities and other facilities should be provided in colleges; in order to enable the staff members to have personal touch with the students, the teacher-student ratio should be 1 : 48 for General Lectures, 1 : 8 for Tutorials and Practicals; the present examination system has to be changed to make the students more study-minded.

18. The Principal of Radhanath Training College Mr. Baidyanath Rath with his long experience and also as the controlling officer of seven Government Educational Institutions suggests that there should be administrative officers to share the responsibilities of the Principal; in addition to an effective system of guidance and counselling, Principals should be assisted by men such as Dean for men, Dean for women, Student Welfare Officer and Youth Placement Officer; when students face problems of any nature, they are to approach such officer in the college; under the existing system our students are really helpless in the college campus; in the absence of any effective organisation to take up their case, either they directly approach the police or the magistrate or take the law into their own hands; it is in such situation political parties take advantage of such helplessness of the students as a result of which the students fall an easy prey to their clutches. The preventive measures, suggested by Mr. Rath so that the chances of recurrence of such unhappy episodes may be minimised, are these:

- (a) The College Unions as well as other forms of student organisations should be reorganised with greater control of staff-advisors and with a strict code of ethics; the activities of such Unions should be strictly limited to certain recreational, creative or cultural activities; at the same time college and school authorities should provide ample recreational, creative or cultural opportunities in their respective campus so that the youthful energy of the students may be fruitfully channelised; there should be every effort to make the schools and colleges a happier and much more pleasant place

with reading halls, restaurants, cafeterias and other similar amenities.

- (b) The administrative functions of the Principals of big colleges having become too heavy there should be one or two Vice-Principals to remain in charge of dealing with the problems of students ; in addition there should be a wholetime officer in each college for organising student welfare activities in the College.
- (c) The Principals of colleges should be given full responsibility for dealing with abnormal situations connected with students ; direct interference of Government in such matters should be avoided ; the student leaders should not have any direct access to the leaders of the Government Party.
- (d) The code of conduct for student residents of the hostel should be more strict ; at the same time the life in hostel should be made happy and enjoyable with all recreational facilities.
- (e) As regards admission in colleges a minimum standard of achievement should be prescribed having regard to the present position that the majority of the students admitted to the colleges are just average or below average mental ability; quite a large number of them are quite not fitted for profiting from college education; it is such "under-achievers" who would try to derive compensation by active participation in the student agitation.
- (f) As regards examination system, there should be more internal assessment at regular intervals; such marks should be given credit to the extent of 50 per cent; this should keep the students busy throughout the academic term; the present system of external examination at the end of the term has proved to be ineffective.

19. Among the Professors who filed affidavits Dr. Devendra Chandra Misra, Professor of Economics, Ravenshaw College, Cuttack, by reference to the social, economic and psychological factors which were responsible for the students' disquietude as discussed by him, suggests that for maintaining peace and harmony in educational institutions there should be

an understanding between students and teachers for students' development physically, socially, emotionally, spiritually and intellectually.

- (a) According to him, the first step to be taken in this direction would be creation of posts of Dean of students and Assistant Dean of students to supervise the student services; they will co-ordinate all such student services as health, housing, counselling, placement and financial aid; the most urgent needs are to find suitable quarters for all students, to provide adequate library and reading room facilities for them, to establish workshops for making them interested in learning a skill, and plan activities for them through their various clubs and associations so that they can fruitfully utilise their spare hours.
- (b) It is also necessary that students should develop a sense of belonging to the college; there should be attempts by various methods to help the maturing students develop new and significant interests.
- (c) Friendly and personal relationship be maintained by teachers with individual students in order to help them to solve their problems and to make them understand their role as educated men in society.
- (d) There should be proper selection of students entering the University according to their aptitude, ability and interest; there should be testing and guidance units to do this.
- (e) The student-teacher ratio should increase and a general system of supervisory tutorials should be introduced; there should be more intensive training in English at the Pre-University stage to remove the language difficulty if English is retained as the medium of instruction.
- (f) The courses of study should be purposeful and balanced; the concept of education should be broadened to enable it to ensure all round development of the personality of the students.
- (g) Various political parties should come to an agreement for not using the students for political purposes. Greater amount of autonomy should be given to

educational institutions in matters of internal management and discipline.

- (h) The Press should be fair and objective in its exposition and analysis in bringing out the specific problems of students for enlisting social sympathy; its aim should be to promote greater harmony by removing the difficulties and not to do something which would undermine the loyalty of students to their institutions.

20. Dr. Mahendra Kumar Rout, Professor of Chemistry, Ravenshaw College Cuttack, while holding that rigid application of the law of the land and enforcement of disciplinary provisions would not solve the problem nor cure or remove the psychological cause which is responsible for the manifestation of lawlessness and indisciplined conduct among students, suggests that the problem requires psychological approach; when the students indulge in criminal acts the law may take its course and the unlawful assembly may be dispersed by police. The question is posed: Will it solve the problem? The answer given by the Professor, with which the Commission agrees, is: No. The particular trouble or incident is not so much material as the psychology of which the troubles are the manifestations; every child is a product of the environment in which he is brought up—teachers, parents, guardians and everybody failed to give the correct environment to the students; in our Five-Year programmes crores of rupees are being invested for industries, buildings and roads; this investment will not assure the future of the country; if, on the other hand, we make similar investments on students they will be an asset for the country. It is with this approach to the problem that Dr. Rout makes the following suggestions:

- (a) What is necessary is education in the real sense of the term and for that purpose proper atmosphere and psychology are to be created; our boys have no scope for relaxation, there are no playing grounds in many institutions, cultural clubs and activities are not there to the extent there should be. In this state of affairs if a sense of frustration, boredom, disregard for society and contempt for lawful authority develops, then the fault lies not with the students but with teachers, Government and society; this is also to be understood in the context of poverty and lack of healthy home atmosphere for a large number of students.

- (b) In any attempt to find out a permanent solution of the problem, students' disquietude should be studied from these perspectives; the social, economic and psychological environment in which students live, the inadequacies and deficiencies which are a part of their day to day life render them open and susceptible to undesirable external influences; the saner section of the student community has no aptitude for politics, demonstrations, processions or any form of agitation for redress of individual wrongs; this section does not matter much in the life of the student community; there are only a few students with some probable political aspirations under influences outside the institution who develop a distorted outlook on life which finds expression in attempting to come into prominence and to dominate the student community; at the commencement of any students' struggle, the average student is apathetic; on a proper analysis it is found that not more than five per cent of the students get genuinely interested in the movement however right the cause might be; at later stages a sort of frenzy develops.
- (c) It is the Principals, Professors and teachers alone who can cure the psychology if they are given opportunities, facilities and funds are provided to create suitable environment for the students; action by the police however justified would not cure the psychology of students; the students are emotionally worked up; anger and resentment work in their minds; it is in this attitude of their mind that they are easily led by elements whose outlook on life is not academic nor balanced; desperate in a sort of youthful blindness to everything except to what they are intent upon doing, the students indulge in lawlessness.
- (d) It is now time that the teachers generally should deal with students' indiscipline inside and outside the college firmly but at the same time with love, affection and consideration; students should be made to feel that the authorities are not vindictive; that the authorities have made up their mind not to tolerate any acts of indiscipline; that the authorities would not listen or pay heed to any external suggestion, influence or pressure.

- (e) Although the present generation of students is politically conscious and they take keen interest in political matters but, in the opinion of the Professor, during student career all their interest in politics should be confined to academic plane so as to equip them with knowledge for good leadership of the country; the students' association with the political leaders, if any, should be merely on personal level and not on ideological or partisan basis.
- (f) The general apprehension in the mind of the students that teachers—Principals, Professors and all teachers generally—are servants of the Government and they would not have the courage of conviction and action should be removed if discipline is to be maintained in the educational institutions; students should be made to feel that Principals and teachers have courage of conviction and action and that Government authorities, however high, do not interfere with their action, and give their views respect and consideration as usually given in advanced democratic countries.
- (g) The teachers have to develop self-confidence in themselves and act according to their convictions without fear or favour; the Government should also adopt an attitude which would restore confidence of the students in the teachers and confidence of teachers in themselves.
- (h) Political parties and the press should act with restraint when students are involved; political parties and personalities should abstain from even remotely utilising the students for their political purposes; parents should devote more attention to their children.

21. *Administrators:* The Commission read with interest the various affidavits filed by the local administrators of the State including the Revenue Divisional Commissioners and the range DIGs; they supply useful materials both on the factual side as also their long experience in the field. The importance of their views lies in the fact that the views that they expressed are the result of their direct contact with the students during agitation, in all its phases, in course of their handling the situation.

22. Apart from maintaining law and order they had opportunities of knowing the student mind and how it worked.



Thus, while dealing with the background, cause, nature and extent of students' disquietude in their respective areas, they also suggested certain measures by way of solution of the problem which they themselves directly had to tackle in their respective role as administrators in charge of law and order.

23. Keeping in view the usefulness of the materials supplied by these experienced administrators it is in the interest of all concerned including the educationists that these materials should be made available to them for future guidance in maintaining discipline among the students. The suggestions of the local administrators as expressed in their respective affidavits are briefly recorded in the following paragraphs.

24. While expressing the view that the administrators have been rather too conciliatory and soft in dealing with the students indulging in acts of lawlessness in different parts of the State and that by reason of this attitude of leniency, tolerance and consideration students lost fear for law and regard for constituted authority, Mr. P. K. Chakravarti, Revenue Divisional Commissioner, Central Division, suggested to the effect that the administration while maintaining the natural parental attitude towards the students should adopt stern attitude of discipline; it is time that discipline should be enforced not only inside the institutions but also outside. The administration cannot be effective and even if it is effective, it would face difficult problems of law and order unless the political workers and political parties completely abstain from influencing the students and utilising them for their political feuds and purposes; similarly educational authorities have got to enforce discipline inside the institutions; at home the parents and guardians are to enforce discipline; thus all concerned—teachers, parents, guardians and administrators—have all to play their respective part if the problem has to be solved failing which, they will be failing in their duty to students and to themselves.

25. Mr. K. C. Ray, Revenue Divisional Commissioner, Southern Division, gave certain valuable suggestions of preventive measures to tackle at the root the problem deserving deeper approach than is commonly thought of; there should be total realisation—not merely intellectual realisation—that the malady will not yield to routine treatment. Some of the preventive measures Mr. Ray suggested are these :

- (a) The atmosphere both at home and in the educational institutions needs such re-orientation as to

charge the young people with some kind of central adherence. The idea needs some clarification as given by Mr. Ray himself in his affidavit. It is this: without such central adherence a man has no moorings and is susceptible to pulls, pressures and influences—good, bad and indifferent; he gets out of gear and his personality becomes disintegrated. Man gets life from parents; this life is nursed and nurtured at home, in schools and later in the wider environment of the world one is born in; in childhood he accepts what is good for his life and growth; he rejects what undermines this mission of life and normal growth by adherence to the parents which is his sole stay, stand and fulcrum; in schools and colleges he finds in teachers and Professors a second unit of adherence; through this unit—centric adherence and attachment, that is to say mother-centric, father-centric and teacher-centric—he acquires knowledge, strength, intelligence and character; modern science acknowledges that love—ignored in our educational programme—is a most powerful element in the moulding of personality and character; the task how to implant and promote this propitious virtue in the young people is not easy and educationists have to give a good deal of thought to the subject to implement this vital but long-forgotten and neglected programme; this programme will create such a psycho-physiological frontier in our young students that their susceptibilities to undesirable pulls and impacts will be considerably reduced; by adopting this programme it is hoped that there will be organic and mental development which will find expression in their moral sense, judgment, robustness of spirit and resistance to folly; it is also calculated to impart a level of intelligence and character which will be less erroneous in responding to outside impacts.

- (b) Our educational curriculum should include a wide variety of sports and intellectual pursuits, cultural and philanthropic programmes, social and aesthetic activities so as to be effective instruments and proper channels for the organic, mental growth and release of surplus energy of young individuals ; youthful energy needs adequate and

appropriate outlets through these healthy channels; by this process the youth will emerge as complete human beings charged with individual and social sufficiency ; this will stimulate right habits of conduct and rational behaviour which should form the basic purpose of education ; continual, agreeable and fruitful pre-occupations of this kind will also make their life and activities in schools and colleges more enjoyable and interesting.

- (c) The Education Code should prohibit, in no uncertain terms, the practice of active politics in schools and colleges ; in a democratic set-up it may not be a realistic proposition to prescribe a code of conduct for political parties.
- (d) As regards moral and spiritual side of education, the basic and fundamental rules of conduct enjoined by different religions should be demonstrated before them not only through precept but through example both at home and in the educational institutions ; it is no doubt a mighty task to introduce this valued discipline into our social set-up in the present context of universal decadence and confusion, but it is necessary that a beginning should be made so that this effort gradually may produce immense results ; modern society is largely pre-occupied with material values ; there is continued divorce of present day education from moral and spiritual values.
- (e) If the preventive measures fail, the administration should have no hesitation to deal with any such upsurge firmly no sooner it transgresses the legitimate limits ; a deep impression should be created in the minds of the students by such firm administrative action that law-breakers and wrong-doers are treated alike, be they students or others ; the less the Governmental interference with the discretion of local administrators in the matter of administration of law and order the better.

26. Mr. V. V. Anantakrishnan, Revenue Divisional Commissioner, Northern Division—while noting the unhealthy tendency among the students that when a student gets involved in a quarrel or dispute it ceases to be an individual matter, they act as an organised body or unit creating difficult

problems of law and order so much so that intervention and even the presence of police and magistracy are resented by the students—suggests that, students when they get involved in acts of lawlessness whether as individuals or as groups should be treated on the same footing as any other citizen in a similar situation ; no special leniency or consideration should be shown to such students ; in the matter of day to day administration of educational institutions strict observance of the Education Code or other relevant code should be enforced ; in so far as redress of grievances of individual students or of student bodies is concerned there should be a code of conduct observed that such matters should be taken up by the individual or his parents or guardians in the first instance through the head of the institution concerned.

27. Among the senior police officers who filed affidavits the three range DIGs, while dealing with the background, cause, nature and effect of the students' disquietude in their respective ranges, suggested certain remedies based on what they themselves experienced in course of their having had to face the situation as developed at the time.

28. Mr. N. Chand, DIG, Northern Range, at Sambalpur since 1961, while expressing disapproval of the attitude of undue softness, sympathy and leniency said in his affidavit that the administration has to be firm; otherwise they would be doing injustice to themselves, to the community and to the future of the country; unless this tendency towards lawlessness and disregard for authority is curbed the present generation of students will grow up without moorings; if acts of crime, indiscipline and rowdism are dealt with firmly then this psychology of lawlessness will gradually die out. Apart from firm administrative approach, he also suggested that educationists, parents, Press and leaders of the country have to play their role in imbuing the students with sane and healthy outlook on life. The long and short term measures suggested by him to avert recurrence of such troubles in future are these :

- (a) The hands of the educational authorities should be strengthened—rigid enforcement of the Education Code and the checking up of unhealthy tendency in some members of the teaching staff to lend direct or indirect support in case of student indiscipline should be done.

- (b) The membership of the College Unions should be selective and not elective—any affiliation of such Unions to any political party ideology, howsoever remote, should be sternly discouraged; the primary object of such Unions should be promotion of cultural activities only; the students should be debarred from direct contact with political leaders or with Government; all their activities should be channelised through the heads of their respective educational institutions.
- (c) In all cases of gross indiscipline the erring students should be debarred from future employment under Government; the local administration should not be fettered in dealing with such delinquent students—the students should be subjected to the rule of law and no administrative leniency should be shown to such students resorting to lawless activities.
- (d) The heads and teaching staff of educational institutions should extend the fullest co-operation to the local administrative authorities and in no way should try to screen such delinquents.
- (e) A mutually agreed code of conduct should be prescribed amongst all political parties including the party in power to keep themselves aloof from educational institutions—politics should not be injected into the students' body; the student community as an organised powerful force poses a potential threat for the future, as they at later stage of the movement appeared to have been mobilised for political and party purposes.

29. Similarly, while noting that the administrative inaction strengthened the belief of the students that normal process of the law would not be applied against them and made them conscious of their destructive potentialities, the DIG, Southern Range, Mr. B. K. Roy suggested that the problem be approached from two angles, firstly, that the students have to be made conscious of the rigors of the law and made to realise that the society will not tolerate their taking liberties with law; secondly, the political subversive elements do not get any opportunity of exploiting the students by spreading among them discontent and contempt for law and authority, imbibing in them political

ideologies in order to achieve their political objectives. His suggestions as to how situations of such nature can be averted and met in future, broadly stated, are these:

- (a) The wrong impression among the students that they can violate the law of the land with impunity has to be removed forthwith by allowing ordinary process of the law to take its own course against the students—the students' "delinquencies" to be treated sympathetically with a view to reform the erring students but the students' "criminality" has to be seriously dealt with as any other crime.
- (b) The local administrators should be given a free hand in dealing with the students' lawlessness free from any interference from any quarters.
- (c) The heads of educational institutions should be encouraged to take prompt and drastic action as provided in the Education Code on receipt of police complaint instead of trying to shield the students from police action with a view to achieving cheap popularity.
- (d) The educational authorities will have to overcome the fear of strike and getting beaten by the students; the heads of educational institutions have to ensure that the few handful mischievous Goonda elements amongst the students cannot impose their opinion and decision on the law-abiding majority under threat—the mischievous students should be removed from the institution by issue of compulsory transfer certificate.
- (e) Student Unions having affiliation with political parties should be banned forthwith and recognition withdrawn; the constitution of the Student Unions should be revised to make them as associations promoting welfare and cultural activities of the students.
- (f) Students indulging in acts of indiscipline should be debarred from employment under the Government and the State aids in the shape of scholarship, stipend, etc. should be withdrawn.

30. The measures suggested by Mr. G. Das, DIG, Central Range, are substantially covered by those suggested by his colleagues which it is not necessary to repeat herein.

### B. Commission's proposal to visit UK :

31. *Why Commission made the proposal to visit UK : need for study of the British system :* Modern India, as she is known to the world for the last two centuries, is the result of impact of western influences, mainly the British, which gradually gave her the shape in which she now appears before the world. It is with this outlook that we will have to look at our country—India—of which Orissa as a State is a component part.

32. The society in which we have been living for the last two centuries, our education, culture and way of thought mainly through literature are based on English ideas as have been preached throughout the country in schools and colleges and in fact in all educational institutions including the Jesuit institutions throughout India as strictly run by the Christian Fathers.

33. India in her modern concept with her unity in spite of all the diversities in language, culture, creed and religion was undoubtedly—whether we admit it or not—a British creation. Our land system, the judicial system, the Civil Service introduced following the British pattern—everything which constitutes this biggest democracy in the world—all started and were given shape with western ideas as introduced here initially by the East India Company and subsequently by the British Crown which took over the administration of the country.

34. This image of India is not to be disturbed until things settle down for a better future. In an infant democracy as ours, experiments on—we may call it tinkering with—particularly education, should be slow and cautious. The leaders of the Indian independence movement—when young—were mostly educated either in the British Universities or in the Indian schools and colleges run under the English system. In fact the English language brought to us the unity which is our strength. This consolidation of India on democratic principles would not have been possible without the initial basic English education in the nineteenth century.

35. The Brahmo Samaj movement led by its leader Raja Ram Mohan Roy prepared the country socially, culturally and educationally—all on western principles—for the political revolution which followed the social changes that ultimately achieved independence for India. This period of our history we must not forget. The future must

be built on the past which shaped us, prepared us for the democracy that we are now to run as citizens of the Sovereign Democratic Republic under our Constitution. It is sheer false sense of patriotism not to admit that it is the influence of western education—literature, political philosophy, technology and science—which laid the very foundation of our democracy.

36. It is significant that while there is student indiscipline in such violent form in South Asia, South-East Asia, Russia, China and even USA particularly on Vietnam issue, Britain has no such trouble.

37. The questions which naturally arose in the mind of the Commission since its appointment were these : How is it that student indiscipline in such violent form is absent in Britain ? What are the conditions under which it cannot grow in Britain ? Can we not produce in India the very same or similar conditions which prevail in Britain ? It is on such or similar lines as prevail there that we have to think of the measures. Indeed we have failed to find the real key to the solution of the deep-rooted problem. None have yet touched the point ; this needs deep research and study of the British system in all its aspects—the countryside primary schools in Britain, their Universities, their entire social system with which the educational programme is connected ; the sight of an English village school with the church in the background is symbolic of their approach ; it is indeed the very symbol of discipline of the students and devotion of the teachers which does establish as much their moral ascendancy as their swift repressiveness.

38. Once upon a time there was a community life in England : in its simple bucolic way a very real one. It centred round the village, a village which was almost entirely self-contained. In a country where there was no police force, no standing army, and no civil service to speak of, what happened round the parish pump and the parish church was the key to the nation's thought and opinion. It was here that English democracy first took shape. The parliament at Westminster—the father of all modern parliaments—sprang from the unofficial parliament of the English village. Its members were drawn almost exclusively from the larger owners of freehold property, but it represented the local communities of a people who believed in Government by discussion and where accustomed to speaking their minds out in matters both of politic



and of religion—a subject in which they were passionately interested and concerned—with a freedom that was unknown in other lands.

39. Foreign travellers were always commenting with wonder at the way in which the ordinary Englishman—the coachman who drove one's carriage or the waterman who ferried one down the Thames—would, at the slightest provocation or excuse, start talking about affairs of state and the way they were conducted by the king or the great lords and statesmen who administered them. In most European countries in the 17th and 18th centuries—let alone earlier—this would have been regarded as a form of treason, for ordinary folk were not expected to concern themselves about such high matters. But the English people habitually did, and their rulers had to put up with their doing so. That is why despotic Government never flourished for long in England, and why England and her overseas colonies—the earliest of which became, as a result of this universal English habit of democratic discussion, the United States—were the pioneers of democracy in the modern world.

40. The British people still believe in Government by discussion. Their parliament is still, probably, the fairest in the world. But, there have since been immense changes in their social habits caused by the Industrial Revolution. Parliament is all-powerful, but Parliament—a parliament of 600 in a nation of 50 millions—is a long way from the life of the ordinary man and woman. For democracy, if it is to be effective, demands that the ordinary man and woman should not merely watch its processes from afar but should take an active part in them. What is needed is not only a parliament at Westminster—or, for that matter, in county or borough hall—where chosen party gladiators debate great national issues, but thousands of little parliaments all over the country where common folk can debate the same issues and, equally important, study the facts on which those issues are based.

41. The new India which has grown with democratic ideas is basically—if we may say so—anglicised. Our political integrity lies in this anglicism which is the common tie which holds us together. In ancient India our religion was a great unifying factor. But in modern India with our ideal of secularism, religion is fast ceasing to retain that hold it had in ancient times. So if our democracy has to be saved from the onslaught of the forces just beyond our frontiers, which have been a constant threat to our security, we must

maintain our basic political integrity founded on the English system of education.

42. It was with this concept and hope of getting light from the study and research of the English system, the Commission had correspondence with the British Home Office who indicated certain wholesome principles on which students' problems are tackled in Britain. The two letters dated March 3 and April 5, 1965 which the Commission wrote to the then British Home Secretary Sir Frank Soskice quoted hereunder will show the object and point of view from which the Commission approached the problem.

“ P E R S O N A L

1, Cantonment Road

CUTTACK

(Orissa)

INDIA

March 3, 1965

Dear Sir Frank Soskice,

I venture to write to you this letter at personal level with the earnest hope that it would, despite your heavy pre-occupations, receive your kind attention.

My association with the British Home Office dates back as early as 1932, that is more than 32 years now. As a young Barrister-at-Law in London, I studied the British system for the adolescent delinquents for two years under the aegis of the Home Office, London, who generously gave me special facilities for visiting the various institutions all over England. I embodied the result of my researches in a book called “The English Borstal System—A study in the treatment of young offenders” published by P. S. King, London.

After my return to India I joined the Calcutta Bar in 1935 and practised there until I was elevated to the Bench. I am now a Judge of the Orissa High Court.

As you might be aware, recently there have been students' agitations in several States in India including Orissa. The pattern of the agitation is said to be the same. It has become a countrywide law and order problem ; it is considered that recourse to violence cut at the very root of the democratic process. In my office as a High Court Judge I have lately been appointed as one-man Commission of Enquiry to enquire into the students' agitation in Orissa. One of the terms of the reference is to recommend measures as to how situations of the nature as developed in the State can be averted, met and tackled when they arise in future and to suggest an appropriate code of conduct to be observed by individuals and organisations concerned so as to obviate any

recurrence of such situations. The question of adequacy of the measures and force used by the Magistracy and the Police in handling the situations and the role of the Press, political parties, other associations and organisations and individuals in the students' agitation are also the subject-matters of the enquiry.

It is in this context that I,—as an old friend of the British Home Office,—feel emboldened to write to you for your kind advice and suggestions regarding the appropriate literature, Royal Commission Reports, other publications and the living authorities on these subjects. Besides, I shall be happy to have facilities for personal discussion with the appropriate authorities in England on these problems. I should very much like to go and meet them in England and to know from them how things are being done there under a democratic system which we have adopted in India. I shall be most grateful if you could kindly help me in these matters in any way you can.

I beg to be pardoned for troubling you in this matter.

With kindest regards and best wishes,

Yours sincerely,  
(S. Barman)

The Rt. Hon. Sir Frank Soskice, Q. C., M. P.  
Secretary of State for Home Affairs,  
Home Office,  
Whitehall,  
London S. W. 1"

"

1, Cantonment Road  
Cuttack  
(Orissa)  
INDIA

April 5, 1965

Dear Sir Frank Soskice,

I hope you have by now received my personal D. O. dated March 3, 1965 a copy of which is enclosed herewith for ready reference. In continuation of the same I would like to add that I am not aware of any written code of conduct as such for Political Parties or for Press either in India or in any other democratic country. But in the actual working of the Constitution certain wholesome conventions have grown in the United Kingdom. I would very much like to be enlightened on such code of conduct or conventions in the particular context of the role of all concerned including Political Parties and Press in students' agitation giving rise to a world-wide law and order problem. I shall be highly obliged to have your kind suggestion, advice and help in any way you possibly can.

I have kept the Chief Minister of the State and the British High Commissioner in India in New Delhi, informed about my correspondence with you in this connection. I shall be most grateful to you if you could kindly write to me a line acknowledging receipt of my personal D. O., dated

March 3, 1965 so that I can move and report to my Government accordingly.

With kindest regards and best wishes,

Yours sincerely,

(S. Barman)

The Rt. Hon. Sir Frank Soskice, Q. C., M. P.  
Secretary of State for Home Affairs,  
Home Office,  
Whitehall, London S. W. 1"

43. In their reply dated May, 4, 1965 the British Home Office while indicating certain general principles and methods by which the problem is tackled in Britain offered to the Commission that should the Commission be visiting London, the British Home Secretary will be pleased to arrange one of his officials to have a short talk with the Commission and try to answer any questions the Commission may have.

44. On July 30, 1965 the Commission wrote to the Chief Minister of Orissa making the proposal to the Government for the Commission's visit to Britain for the purpose of study of the different aspects as mentioned in the said letter quoted below.

" SECRET

1, Cantonment Road  
Cuttack  
July 30, 1965

My dear Chief Minister,

I hope you received my letter of the 14th instant along with the enclosures in connection with the Commission of Enquiry into students' agitation in Orissa.

You appreciate that the terms of reference on which the Commission has been appointed are very wide. The terms include, inter alia, to recommend measures as to how situations of the nature as developed in the State can be averted and met and tackled if and when they arise in future and to suggest an appropriate code of conduct to be observed by individuals and organisations concerned so as to obviate any recurrence of such situations. I am not aware of any written code of conduct as such for political parties or for Press either in India or in any other democratic country. But in the actual working of the constitution certain wholesome conventions have grown in the United Kingdom. I would very much like to be enlightened on such code of conduct or conventions in the particular context of the role of all concerned including political parties and Press in students' agitation giving rise to a worldwide law and order problem.

Having regard to the nature of the problem before the Commission, I have been having correspondence with the British Home Office and the British High Commissioner in India on certain aspects. From the information sent by the British Home Secretary, it appears that the principal provisions of the law in Britain relating to the preservation of public order and the powers conferred on the police for maintaining public order do not differentiate between students and other demonstrators ; nor indeed is there any significant difference in the methods of the police in dealing with them, the Press in reporting them or the attitude of the political parties to them. In my opinion, these principles require further clarification on personal contact and talk. I therefore feel that in the interest of all concerned it is necessary for me to go and have personal discussion with the appropriate authorities in England and to know from them how things are being done there under a democratic system which we have adopted in India.

The British Home Office in their letter have also offered that should I be visiting London, the Home Secretary will be pleased to arrange for one of his officials to have a short talk with me and try to answer any questions I may have. The British High Commissioner in India Mr. John Freeman has also in his letter expressed that while I am there, they would, of course, do all they could to put me in touch with the right people.

When I go there, I shall also incidentally discuss the effective methods of dealing with such demonstration including the use of tearsmoke in such cases. At present the police here have for their guidance a secret pamphlet "Tearsmoke Instructional Manual" issued by the old Government of the Punjab. I suppose that there has since been further improvement and modernisation of these methods in Britain.

In this connection I shall also take the opportunity of looking into the working of the Students' Unions in some of British Universities. While there, I shall of course look up the appropriate literature, Royal Commission Reports and other relevant publications which are not available in India.

As regards my requirements for the proposed trip to Britain, I only need the air passage and foreign exchange facilities for my actual out-of-pocket expenses during my stay there for about three weeks.

The convenient time for me to take the proposed trip to Britain would be between September 23 and October 11, 1965 when the Court will remain closed for Durga Puja.

While making this proposal, I must make it clear that having regard to the nature of the terms of reference, I think I shall be failing in my duty if I do not intimate to you my

views on the subject and make my suggestion accordingly for your consideration.

I hope you are keeping well

With kindest regards and best wishes,

Yours Sincerely,

(S. Barman)

Shri Sadasiva Tripathy,

Chief Minister, Orissa

Bhubaneswar."

45. In a subsequent letter dated August 25, 1965 to the British Home Secretary, the Commission, while expressing gratitude to him for his kind offer to make the arrangements during his stay in London, gave a broad outline of his programme in Britain. The Commission intimated that the likely period of his stay in Britain would be about one month; while in Britain the Commission would like to have the opportunity of discussing the effective methods of dealing with mob demonstration including use of tearsmoke in such cases; at present the police in Orissa have for their guidance a secret pamphlet "Tearsmoke Instructional Manual" issued by the old Government of the Punjab; it is supposed that there has since been further improvement and modernisation of these methods in Britain; as regards code of conduct for political parties and the Press in the particular context about which the Commission wrote to the British Home Secretary in his previous letters the Commission further intimated that he will be very happy to have the opportunity of meeting some members of the British Parliament and authorities on the Press. The Commission also proposed to have the opportunity of looking into the working of the Students' Unions in some of the British Universities; while there, the Commission will also look up the appropriate literature, Royal Commission Reports and other relevant publications, if any, which are not available in India.

46. The State Government accepted the proposal of the Commission dated July 30, 1965 for a short visit by him to UK for studies on the lines indicated above. Accordingly, the State Government wrote to the Government of India a letter dated August 26, 1965 requesting them to accord permission for performance of the journey to London and to make clearance of the exchange for the money necessary during his stay in London.

47. In the meantime in reply to the Commission's letter dated August 25, 1965 the British Home Office wrote a letter dated September 2, 1965 which was this :

"

HOME OFFICE  
WHITEHALL S. W. 1  
2nd September, 1965

Dear Sir,

I write on the Home Secretary's behalf to acknowledge your letter of 25th August in which you outline your plans for your forthcoming visit to the United Kingdom to pursue your studies into certain law and order problems. Pending more definite details of your arrival and length of stay, we will meanwhile think here of how best we may be able to help you.

Yours faithfully  
Sd. R. M. Morris  
*Private Secretary*

The Hon. Mr. Justice S. Barman."

48. The Commission takes this opportunity of expressing gratitude to the British Home Office for their kind offer of all arrangements to help the Commission in his work during his proposed visit to Britain.

49. Apart from the British Home Office, the Commission had also correspondence with other authorities in Britain including Rt. Hon. Quintin Hogg, M. P. (until lately Lord Hailsham) now a member of the British House of Commons, and Dr. Jivraj N. Mehta, High Commissioner for India in the United Kingdom. The Commission received encouraging response and invitations from them.

50. While making this proposal for the Commission's visit to UK, the Commission made it clear that having regard to the terms of the reference he thought that his proposed trip to Britain was essentially necessary for his work as the Commission. As regards the requirements of the Commission for the proposed trip he only needed air passage and the minimum foreign exchange facilities for his actual essential out-of-pocket expenses during his short stay there.

51. Ultimately, however, the Commission's proposal fell through as the Government of India regretted their inability to agree to the proposed visit of the Commission to the United Kingdom. While placing on record the decision of the authorities in this matter, the Commission is of opinion

that having regard to the importance of the problem it is necessary that the British educational system in all its aspects should be carefully studied and adapted to our social conditions. If ever in future the Government come to realise and appreciate the need for such study, the Commission still offers to the Government his services, if required, for the purpose.

**C. Questionnaire : Answers by MPs, Speaker,  
MLAs, Vice-Chancellors, Educationists  
and other distinguished persons :**

52. In course of the proceeding certain questions of definite public importance arose, on which, it was considered that the views of public men including educationists, politicians and other appropriate authorities will be helpful. Accordingly a set of Questionnaire, a copy of which is annexed to this report, was prepared and issued to all members of Rajya Sabha, Lok Sabha, MLAs of Orissa, Speakers of all Legislative Assemblies, Editors of all leading newspapers, Vice-Chancellors, reputed educationists of Orissa and other places, ex-Vice-Chancellors, ex-Justices of Orissa, Principals, Professors, Readers of Colleges of Orissa and such other eminent persons and authorities as were thought fit and suggested from time to time, soliciting their answers to the same.

53. The Questionnaire included a question being the last question therein—Item Number 35—under the heading “(J) MEASURES FOR THE FUTURE”; the question was this :

“In the light of your answers to the Questionnaire what measures do you suggest as to how student-indiscipline in the country can be averted, met and tackled ?”

The Commission received good response from different parts of India. A Paper Book containing the answers covering about 450 pages was prepared and copies of the same were supplied to the counsel appearing for the parties in the proceedings. The Commission takes this opportunity of conveying his thanks to them all who had very kindly sent their answers to the Questionnaire.

54. In view of the large number of replies to the Questionnaire received by the Commission it is not possible to refer to all of them in this report. They include members of Parliament, members of the Orissa Legislative Assembly,



Speakers, Vice-chancellors, educationists and other distinguished persons. They expressed their respective views and suggested measures as to how students' indiscipline in the country can be averted, met and tackled. Many of the suggestions are naturally common. So in order to avoid repetition the broad features of suggested measures as given by some of them are noted hereunder for use and future reference for further research and study—as are bound to be—of the problem.

55. *Members of Parliament*—According to Dr. Harekrishna Mahatab, the cause of students' disquietude in the country is due to their having lost faith in the traditional leadership of the country. While noting that this ferment in youth section is all over the world he stated that after the two devastating wars the old moral values have completely changed, leadership of the old school of thought is no longer trusted, something new is in the offing, the ferment is becoming more and more acute during the period of transition, and that student indiscipline cannot be separated from the general indiscipline in the society. Dr. Mahatab expressed the view that if there is indiscipline which means non observance of rules and decorum in the administration and Legislatures, it cannot be expected that students alone will remain disciplined; he said the police is supposed to be the most disciplined part of the administration and if there is gross indiscipline in this part, it is idle to expect that the youths will keep within bounds for their activities. In his answer to the Questionnaire he made certain thoughtful suggestions, as guidance for the future, on different aspects, which are these:

- (a) Educational institutions should have much larger number of teachers than they have at present; the number will be so large that each teacher should be in a position to know individually as many students as he possibly can; academically speaking teacher-student ratio should be 1:15 at the most.
- (b) There should be frequent meetings between the teachers and guardians throughout the year; for this purpose special functions should be held as done in other Universities.
- (c) For real academic life in the schools and colleges much more amenities should be provided.

- (d) Compulsory military training in educational institutions is a necessity in India; it should be extended to the schools also.
- (e) More money should be provided for amenities to hostel students—social and cultural and more hostels should be built.
- (f) As regards students and politics, grown-up citizens like any citizen in the country should take interest in politics ; but so long as he remains a student he should not go against the rules and the discipline of the institution where he reads. his participation in politics should be subject to rules and regulations of the college where he reads. In a democracy each grown-up man or woman is interested in politics ; but that activity has to be conducted with the limitation of the educational institution ; these limitations are to be maintained by the teachers. In answer to the question whether students should participate in any political agitation Dr. Mahatab's view is that those who are in position naturally expect that the youths who are to come next should not participate in any political agitation and thus disturb them ; but as a matter of course there is always pressure from those who are to come which pressure should not be considered as any undesirable agitation ; it depends upon those who are in a position to manage that pressure and minimise its velocity. As regards school students, he said that even if they are led by college students it is the teachers of the schools who should keep the students under their influence.
- (g) As regards the role of Student Unions, they should mainly concern themselves with what are extra-curricular activities to supplement their class education; for this funds should be allotted to the Unions; there is nothing wrong in the present system of election to Student Unions; in fact, in all other Universities in democratic countries the same system prevails; it will be a great mistake even to think of abolition of Student Unions; if the Unions are abolished there will be nothing to canalise the activities of the politically minded students.

- (h) Then as regards the role of the Press in relation to student indiscipline, Dr. Mahatab's view is that the proper attitude of the Press not only in relation to students but in regard to all other matters should be to give fair and correct publicity to all facts and happenings; if the Press does not give publicity even for the acts of indiscipline in any section of the society, the result will be that the misbehaviour will not come to light and then grow in darkness ; the Press should publish all news regarding students' activities including those which are clear cases of indiscipline. The Press is entitled under the Constitution to express its views freely on any matter including the acts of so-called student indiscipline; but as in the case of other sober sections of the society, no act of indiscipline should be encouraged; there are many laws existing to control encouragement of indiscipline and malpractices, there may be difference of opinion with regard to any particular act as to whether it tantamounts to indiscipline or not.

56. While stating that student ferment in India is due to political consciousness and the sense of unity among them which is not properly canalised and the students here are more agitative than in other parts of the world due to ideal and liberal democracy, Mhd. Haneef, MP of Bhadrak suggests that the mind of the students should be diverted towards technical education and technical know-how; the State-wide integration of students should be disrupted as, according to him, it does not serve the country's interest.

57. Dr. U. Misra, MP, New Delhi, suggests short-term and long-term measures. Among the short-term measures his view is that there should be strict instruction to police and other agency of law and order to deal with the students carefully through the Principal of the institution; University campus should not be treaded by police unless called by the Vice-Chancellor or the Principal concerned; political leaders should address students and participate in discussions relating to education; films should be censored by the educationists rather than by corrupt Boards—Government and nationalised film industry. Some of the long-term measures suggested by him are these: Overcrowding in educational institutions should be checked; there should be one type of schools and colleges in the country; every teacher should be in charge of 30 students

and he should be answerable for the conduct of his ward; more often cultural programmes should be arranged for students; reading rooms should be provided; games should be made available to the students free of charge; conveyance should be provided for non-residential students; political views should be respected and tolerated; no vindictive attitude should be taken; patience and sympathy should be used in dealing with juveniles.

58. While criticising the weak political parties that are not able to take the adults with them but exploit the youth and also commenting on the vacillating policy of the Government in education, and the unscientific and unsound argument put forth justifying the changes from time to time, Mr. K. Sundaram MP (Rajya Sabha) of New Delhi suggests that the State should not interfere with education; the State has no personality and cannot deal with individual persons; buildings, teachers, books and money alone cannot impart education; if a set of rules ambiguous, even changing interpretation to suit time and persons are enforced, that is the end of education; and it becomes nobody's responsibility. While dealing with this unfortunate aspect of our system of education, he puts it thus :

“When the class teachers had the authority, the class was well disciplined. When courts interfered with this authority, the teachers' responsibility was over. The Headmaster was responsible for discipline. When teachers start questioning his authority, there is only the different tiers of organisations. When Government pays them, appoints them, grants them leave and transfers them, then they are only fellow travellers with no attachment either to the institution or the students that are left in their care.”

What he said is of great significance purporting to show that the educational system as now prevalent in this country is a mere machine—without life.

59. Among the several other MPs, who expressed their views in answer to the Questionnaire, Mr. P. D. Himatsingka MP of Calcutta suggested that Government both at the Central and State level should firmly declare a policy of exemplary punishment; compulsory military training may improve conditions.

60. Mahant Laxmi Narayan Das MP, Raipur (Madhya Pradesh, said that there should be scope for leisure, libraries, cultural, literary and social activities and community life by providing scope for these amenities. Students'

attention is to be diverted to nation building, constructive activities, civil defence, grow-more-food campaign, traffic control and such similar activities on constructive lines.

61. Professor Sidheswar Prasad MP of New Delhi suggested certain measures of general nature such as having only qualified people as Vice-Chancellors, Principals or Heads of the institutions ; admission of only qualified students; having well-paid and qualified teachers ; improvement of teacher-pupil ratio and having parents-teachers Association. An MP ( Rajya Sabha) Shakuntala Paranjpye of Poona made an interesting suggestion as a measure for the future that it will be worthwhile to develop correspondence courses and Radio Universities where the students will study as isolated individuals.

62. *Speaker* : The Speaker of Vidhan Sabha, Himachal Pradesh, Mr. Des Raj Mahajan while suggesting measures for the future expressed certain views which in the opinion of the Commission are helpful. The views, in substance, are these :

- (a) As far as possible, educational institutions in congested cities should be shifted to suburban, rural areas in order to ease the accommodation problem and save the students from unhealthy influences of city life.
- (b) It is necessary that teachers should be offered better standard of living and a remunerative salary; they should realise the import of duty they are entrusted with and discharge it in a missionary spirit with full zest and zeal ; those who have no love for teaching should not be allowed to come into the teaching profession; the behaviour of the teachers within and outside the school should be above board ; when they have entered the shrine of Saraswati (Goddess of learning) they should maintain its *sanctum sanctorum* without caring for their personal inconvenience; welfare of students should be their "be-all and end-all"; they should not take part in politics nor should they express their opinion in class rooms on current problems of political nature; teachers must remember that indiscipline among students means indiscipline among teachers.

- (c) As regards duties of parents, they should not rest on oars by merely sending their wards to the schools or colleges; parents and guardians should ever remain vigilant about the progress of their wards; they should pay frequent visits to schools and colleges of their wards and discuss with the teachers things of common interest; they should fully co-operate with the school authorities; their behaviour with their wards should be ideal and helpful.
- (d) As for behaviour of students, although hero worship in itself is not good but in student life we need some one to lead us; it is the moral duty of every individual of the society to treat the student with love and respect so that he may develop a sound and all-round healthy personality. Students generally have great respect for high ideals and have powerful urge to emulate great men; they worship heroes; a society which leads a loose and irresponsible life cannot expect its generation to be possessing high ideals and ideas of life.
- (e) Political parties should not drag students into their dirty game and make them cat's paw; students should be allowed to pursue their studies with full peace, quiet and without any let or hindrance.
- (f) As in public schools, Moral Science and Hygiene should be made compulsory subjects. One main factor responsible for indiscipline in our student community is the absence of moral and hygienic teachings in educational institutions run by the Government; these sciences find no place in regular course or as part of the teachings in our schools; the absence of teaching on these subjects in the educational institutions is regretted.

63. *Orissa Legislative Assembly Members* : Several Orissa MLAs to whom the Questionnaire was sent filed affidavits expressing their views. Mr. Harihar Patel, among other things, suggested reform of the present system of election to Student Unions which is defective; there should be compulsory military training for college students and also scope for Yogic exercises. As regards students' participation in politics, he said that student career is a period for

acquisition of knowledge and nothing should be undertaken by the students during this period which would disturb the students, concentration and fritter away their energy; situations should not be allowed to develop driving the students to active politics; they generally lack required maturity of mind for active politics; if for any reason a student in his individual capacity is compelled to participate in active politics he should never project his political personality into the academic atmosphere of the educational institution; and to ensure this, if necessary, a code of conduct may be framed and enforced on students. In his opinion, school students should never be organised to form procession, etc. except for their own performances, games, sports and culture. As regards measures for the future, Mr. Patel makes certain valuable suggestions for different stages of education from primary to higher education, and also other aspects including hostels, library, elections, cultural functions and preservation of autonomous Universities. He also pleads for the rule of law with the observation that the rule of law in the country is absolutely necessary; and no measures can succeed without the rule of law and fair deal by the administration. Some of the concrete suggestions made by Mr. Patel are these :

- (a) The result of primary education entrusted to Panchayati Raj organisation has been disastrous; primary school teachers are now mostly engaged in political work of the Panchayati Raj; they are subject to frequent transfers and harassment; it is desired that the State should assume direct responsibility for primary education.
- (b) The text books prescribed by the Government are hopelessly disappointing; if nationalisation means the exclusive right to prepare the text books, it is not desirable as it will be a sort of regimentation; primary education has to lay stress and emphasis on character building.
- (c) English should be taught compulsorily from UP and Middle School up to the Matriculation; it is necessary to retain the teaching of English for the reason that it serves as a medium to get acquainted with the world at large and also for the purpose of higher study, especially in Science and Technology.

- (d) Along with military training, the teaching of principles of religion and ethics should be made compulsory in all colleges; it will provide an idealism for life; religion does not mean this or that particular religion but its essence—the principles of all religions.

64. Mr. Gangadhara Paikray, MLA, Leader of the Communist Group, Orissa Assembly, in his answer to the Questionnaire gave a thoughtful analysis of all the aspects of the problem stating that the new consciousness in modern youth since the second world war is the consciousness of socialism—a new sense of human values; education is to be re-oriented accordingly. The specific measures suggested by him are, in substance, these: The status of teachers as builders of the nation must be higher than administrative personnel; they must be well paid and free from worries; Government should take up and control all educational institutions; the atmosphere and amenities in schools and colleges must be such that they find it a pleasure to study there; text books must be written in a manner which would inculcate in them a sense of national pride and aspiration of achieving socialism which would make life fuller and happier, country prosperous, advanced, free from exploitation after eradicating the economic and social disparities; the Government should ban sexy, indecent and perverted literature which distorts the healthy and egalitarian growth of society.

65. As regards the views of the other MLAs, they are covered by those of the educationists.

66. *Vice-Chancellors* : Ten Vice-Chancellors of the different Universities in India kindly responded to the Questionnaire. As heads of their respective Universities, their views have great weight and were fully considered by the Commission, while recommending measures for the future.

67. Dr. B. Malik, Vice-Chancellor of Calcutta University on a visit to the United States in 1963 paid considerable attention to this problem and acquired certain valuable materials at the University of Minnesota mentioned in his answer to the Questionnaire which he very kindly passed on to the Commission. While stating about the cause of student disquietude, Dr. Malik expressed that two factors have to be distinguished in thinking about student disquietude in India. First is a factor that students everywhere are young and idealistic and if they are alive intellectually, they will, just



naturally because they are young, be exploring all kinds of ideas and pursuing all kinds of ideals; this is a part of normal process of growing up; he said that someone once remarked with great deal of wisdom that if a person was not a good radical in his youth, he would not be a good conservative when he grew up ; second, students in India are faced with critical economic problems, the conditions under which they live, inadequacy of the educational resources available to them, the uncertainties of employment, the factor of job insecurity, the importance attached to degrees—all these are considerations that relate to the activities of the students in our country. Certain suggestions made by him are these:

- (a) As recommended by the University Grants Commission, every college and University should have a Dean of students on its administrative staff; the development of better student-teacher relationship might well begin by the appointment to our administrative staff of individuals whose main responsibility would be to work with students and with teachers looking towards improvement of relationship. For maintaining contact with teachers on the one hand and guardians and parents on the other, for the welfare of the students, as in American colleges, there should be a very definite policy of arranging occasions whereby parents and guardians can be brought to the college to see what the programmes are so that they may have at least some contact with the institutions where their children are students. On such occasions, distinguished Professors and major administrative officers talk with the parents, have a cup of tea with them, and while no great depth of relationship can be developed, a sense of confidence and understanding is created, it takes time and effort to organise and arrange such activities, and here again is evidence of the need for a Dean of Students as recommended by the University Grants Commission; it will also be the responsibility of such Dean of students for each college to study carefully its own facilities and then systematically try to develop plans for improving them; this is a responsibility which calls for full time attention.
- (b) Colleges can also arrange occasions when distinguished citizens, leaders in the community, outstanding professional men and women are brought in contact

with students by having them to visit class rooms, by presenting them in special lectures and so forth; what students need is some sense that people think they are important; they crave for some positive attention and if such positive attention is not given them by parents or by leaders in the community, it is understandable why they should easily become victims of those who would wish to lead them in indiscriminate ways.

- (c) If well conducted, compulsory military training can contribute to a student's sense of his part in the community; military training is just one factor and it may be a very positive one when co-ordinated with other factors.
- (d) There should be additional hostels for students; if adequate hostels are available, it would be exceedingly helpful in meeting some of the crucial problems facing students; American Universities have been very successful also in utilising the hostels as centres for the development of student programmes and encouraging sound educational development; here again is the importance of a Dean of students who could plan such programmes; it must be added that one man alone cannot do the job and colleges must be willing to put some resources at his disposal.
- (e) It is desirable that codes of conduct respecting student activities be carefully worked out; American colleges have actually developed rules and codes that students adhere to; they are worked out jointly by the Universities, colleges and students; they do not represent arbitrary regulations imposed from above; at the University of Minnesota the rules and codes are contained in what they call the policy manuals; they give clear indication of how one outstanding American University has met the problem.
- (f) As regards role of the Press, it should treat student indiscipline as it would treat any other news event and keep it in proper and fair perspective; the Press should not attempt to cover up or ignore student indiscipline. Dr. Malik's views on this aspect have been dealt in the chapter on code of conduct for the Press.

- (g) As regards political parties, while noting that probably it is true that political parties attempt to capitalise on students in furthering their own ends, Dr. Malik's view is that with growing maturity, students will come to a more balanced view on life and be less subject on an irrational basis to the influences of emotional political leadership. Dr. Malik's views on the role of political parties are also noted separately in the chapter on code of conduct for political parties.
- (h) While summarising his own impressions on the problem Dr. Malik stated that Press, political parties, teachers, guardians and parents need to take a constructive attitude with respect to student problems; very definitely no attempt should be made to use students for ulterior purposes; students are first and foremost in college as students; it is the responsibility of all concerned to be helpful rather than critical or destructive; co-operative understanding is the essential requirement.

68. Mr. L. R. Desai, Vice-Chancellor of Gujrat University while expressing his personal views (not committing the University) said that student disquietude is primarily due to the consciousness of an individual's rights in a democracy and also is partly due to the utilisation of immature minds for political gains by leaders in various fields; a class of "professional students" has arisen and its business is to foment trouble and get leadership; such professional students manage to become office-bearers of Student Unions of colleges or Universities and they behave almost as dictators. As measures for the future, apart from general suggestions on educational programme mostly covered by others, Mr. Desai made certain specific suggestions in that the screening of admission to students must be introduced so as to direct a student to a course of studies most suited to his temperament, training and equipment; demands of students should never be ignored; they should be studied and such of them as are found genuine should be conceded by the authorities both educational or State; even when some of these demands are not found to be genuine or reasonable, the authorities should sit down with them and discuss the matter and convince the students why they cannot be met; indeed, a summary rejection of their demands in a highhanded manner has become anachronistic.

69. The Vice-Chancellor of Kerala University Mr. Samuel Mathai, while regretting that students flout the authority of and take recourse to law against their Vice-Chancellors, Principals and teachers, suggests that Article 226 of the Constitution should not be applicable to students as in the case of soldiers and the educational authorities should be asked to settle the students' problems. The reasoning on which he makes this suggestion is quoted from the material portion of his reply to Q. 35 of the Questionnaire as follows:

"Not every detail of the student-teacher relationship can be embodied in statutes and ordinances, and to allow students to get away with non-compliance with the demands of their Principals etc. on the ground that a particular rule (is) not written down in the ordinances has done positive harm. More authority should be vested in University, college and school heads to deal with matters of conduct and behaviour and to punish students who do wrong. Colleges and Universities should have complete freedom to penalise a student for behaviour unsuited to his condition as one 'in State pupillari'."

70. Dr. C. S. Patel, Vice-Chancellor of Baroda University, in his answer to the Questionnaire about election to Student Unions said that in his University the various institutions elect by direct vote members of the Executive Committee; the Executive Committee elects the Vice-President and the General Secretary of the Union; the President and the Treasurer are appointed by the Syndicate and the Vice-Chancellor respectively from among teachers who have shown active interest in the welfare of the students in general; unsatisfactory academic progress is a bar to any Union distinction.

71. The Vice-Chancellor, Rabindra Bharati, Calcutta, Mr. Hiranmay Banerjee gave certain original constructive suggestions, not mentioned by others, in that students are to be acquainted in the higher classes of school with our Constitution, its directive principles and their significance, our rights and duties as citizens; this would enable the students to develop a regard for it; in the colleges, students should be taught about our Development Programmes and Five-Year Plans, their objective (socialistic pattern of society), about the strategy of the Plans, how rapid industrialisation involves a certain amount of hardship which has to be put up with in expectation of better days in future; this will better equip the students to stand privations consequent on planning and act as a deterrent against violent outbursts.

72. The Vice-Chancellor of Allahabad University Mr. R. K. Nehru—while referring to bad living conditions, over-crowding in educational institutions, not enough contact

between teachers and students, uncertainty about the future, poverty of the majority of the students, as additional causes of student disquietude—suggested that there should be no compulsory membership of Student Unions, indirect elections may be better; there should be more stringent restrictions for schools than for colleges. As regards students' participation in politics, his view is that it is desirable for students to avoid taking part in election campaigns, etc.; otherwise the students should be encouraged to participate in debates, etc. election campaigns embitter University's academic life; political parties should refrain from using students as a political instrument; teachers should refrain from using students for the purpose of promoting their own interest and ambitions. Mr. R. K. Nehru while emphasising on the role of the Press in relation to student indiscipline suggested that Press should help in strengthening student discipline by not publishing sensational news of students' activities which undermine discipline; by playing down individual cases as far as possible so that undue publicity may not be given to publicity-seeking student leaders; by generally consulting the University authorities before any news relating to undesirable students' activities is published; while ferment amongst the students leads to indiscipline it is bound to continue until the problems of better living conditions, opportunities for study, recreation and above all greater certainty about employment in the future are solved.

73. Dr. J. S. Patel, Vice-Chancellor, Jawaharlal Nehru Krishi Vishwa Vidyalaya (M. P.) while not agreeing with the proposal to abolish Student Unions suggests that it will be better if failed students are not allowed to be office-bearers of the Union; a certain number of meritorious students should be made office-bearers; there ought to be a Students' Council which would comprise of faculty members, selected office-bearers of the Student Union and representatives of guardians of students for discussing the problem of student welfare. In this context, it is also said that political parties are anxious to draw students into active politics; they always look for support from various quarters; it is said that some failed students are financed and kept in the institutions by the political parties. With these views expressed by him, he suggested as a measure for the future that whenever there is indiscipline amongst the students no attempt should be made to solve it at political level; the teachers from other institutions should be called upon to help in solving the situation; political parties should be kept out of the agitation.

74. Dr. Triguna Sen, Vice-Chancellor, Jadavpur University, Calcutta, mentioned social and economic conditions, uncertainty of employment, inadequacy of everything in every sphere, harassment at every stage, unsympathetic treatment and inefficiency of the people who handle students' requirements as some of the major causes of student disquietude; he suggested an all-round improvement of the existing state of things both inside and outside the institutions:

- (a) The college Unions should organise extra curricular activities and involve all students in one or the other work; their difficulties can also be expressed through the Union and suggestions for rectification of the difficulties may also be forwarded. As regards system of election the Committee must be elected by the students in a democratic way. Dr. Sen does not agree with the view that Student Unions should be abolished because, according to him, this will stop the communication of their grievances, if any, and there would be more trouble; the way the existing Student Unions can be reformed is by bringing in more students in the Union activities and creating good student leaders; generally studious and academically good students do not like to be involved in Union activities; this is one of the main difficulties.
- (b) The relationship between the teachers and students in educational institutions can be improved by frequent contact in small groups beyond the class hours; the teacher-student ratio in schools and colleges for facilitating more intimate contact between them should be 1:10 which should be ideal.
- (c) The amenities available to the students are not adequate; many of the schools and colleges do not even have a playground; there should be more amenities so that more students can be absorbed.
- (d) Dr. Sen thinks that compulsory military training for our students in colleges is conducive to all-round development of their mind and body; such training should also be given to students in schools for inculcating a sense of discipline in them from the very beginning. Dr. Sen regretted that it has become a complete failure so far as NCC training

is concerned in their locality; guardians, military officers, their authorities, and even in some cases teachers are not interested in these activities.

- (e) The manner in which the guardians and parents can help in maintaining discipline amongst their wards while at home is that guardians and parents must also be disciplined; the fathers of the young generation passed through a period of chaos and law-breaking for the independence movement, so also the teachers; this is probably very blunt to say like this; but how can one expect discipline from the sons and students when the fathers and teachers themselves have not observed this in their student life, had no disciplined training but a good training of indiscipline, chaos and law-breaking.
- (f) For maintaining contact between teachers on the one hand and guardians and parents on the other for the welfare of the students, guardians should be informed of the activities of his ward at least once in two months with respect to class attendance, concession given, performance in the class, prizes and other work of appreciation and also of any action of indiscipline; only action of indiscipline should not be communicated because by this the guardians will be agitated; another way is that each teacher should take charge of 15/20 students; they should meet the guardians of the students at their home after the college and school hours or during vacation; the cost involved should be borne by the institution; this will just be a social and friendly visit.
- (g) As regards the role of the political parties, Dr. Sen, while noting that the views on this point are different, however suggested that political parties should not be brought in. Dr. Sen's view is that students should not take part in active politics; taking part in active politics will distract them from their normal studies but by this he did not mean (as he said in his answer) that the students should not discuss politics or exchange views amongst themselves. His view is that if there is anything like a code of conduct to restrict projection of their political personality into academic atmosphere of the educational institutions, such code of conduct should be

applied to all students and must not be framed for individual students. On the question whether students should participate in political agitation, his view is that students may join in agitation when necessity demands but all agitation should not be coloured as political agitation; it is very difficult to distinguish between political agitation and non-political agitation. As to whether in this matter different standards should be set for school and college students, he expressed that college students are considered as adults and relaxation of the rigidity in their case would work better. As regards code of conduct generally, Dr. Sen expressed that he is not much in favour of code of conduct for students.

75. Dr. S. P. Adinarayan, Acting Vice-Chancellor, Annamalai University, said that the main causes of student disquietude in this country are that their attitude of reverence to teachers which partly contributed to their submissive behaviour has slowly disappeared; the critical spirit that we have encouraged in them regarding academic matters has now been diverted to other channels; most students do not have any kind of spiritual or moral background; hence they fall a prey to emotionalism; the implements that we encouraged students to use against British Government are now being used against us. In his answer to the Questionnaire Dr. Adinarayan gave certain new ideas.

76. *Other educationists : Views expressed in answer to the Questionnaire:* Apart from those who filed affidavits before the Commission, several other educationists being Headmasters of some Schools and Principals and Professors of several colleges all over Orissa, while responding to the Questionnaire sent to them, gave their views including those on measures for the future. The Commission takes this opportunity of expressing to them all its thanks for their kind response.

77. The Head of the Department of Commerce, Utkal University, suggested increase in study load, reform of examination system, 60 per cent as the minimum for passing an examination, to be tough with unruly students, encouragement of good and meritorious students to exert influence in the class over other students. He also suggested that when students go to Ministers or political leaders, the latter should not take up their 'cause'; they should advise the students to go back to the head of the institution and settle things as responsible boys in a sensible manner; when students realise



and see that political parties are unwilling to take up students' 'cause' any more, that will avert student indiscipline to a great extent; reform in examination system will make students more serious in their study; surprise examinations, tests, quizzes in the class similar to the American system will require of students' constant attention to study, less time for agitation.

78. Mr. P. Mukherjee, Professor, Utkal University, makes certain constructive suggestions in that the NCC training should be made more attractive; 50 marks be allotted to military training, to be added to University results; the training in the school should be integrated with the training in the colleges; unemployed students with NCC training should be temporarily employed as Home Guards; books should be written to arouse sense of patriotism; stories of army, navy and air force heroes, some idea about defence should be included in the school books; Ministers should not meet any student deputation without the consent of the Principals; newspapers should not ordinarily publish the news regarding calls of the students for strike or Hartal or photographs of 'Sahids'; by publishing such photographs, these papers indirectly encourage indiscipline as the students love publicity; there should be a Press Council in each State.

79. The Reader in Philosophy, Ravenshaw College, Cuttack, Mr. Shyam Kumar Chattopadhyaya—while referring to the use of students by political careerists as instruments for furtherance of their personal objectives which created in the students an inflated sense of power, importance and the belief that they are above the law, as the cause of student indiscipline—made certain concrete suggestions, namely rejuvenating old sense of higher values in life; stout resistance to all improper demands of the students and infliction of drastic punishment to the law-breakers without mercy or compunction; banning all Bombay-film products; and by resuscitating the 'father' (corresponding to super-ego) in family life; children must learn to love and respect their parents; sexy pictures and foolish propaganda about family planning in season and out of season should be banned; children must not start with the feeling that they are chance-products of sexual life or that every third, fourth or fifth among them is an undesirable burden upon family and society.

80. In view of the enlightened general public opinion, with which the Commission agrees, that Jesuit institutions in

India are notoriously strictly governed, and they practically never have troubles with discipline, the Commission carefully considered the views of the Principal and Secretary, Stewart Science College, Cuttack, Principal, Stewart School, Bhubaneswar and Headmistress, St. Joseph's Convent School, Cuttack.

81. Among the Christian Missionary Schools, the views of the Principal, Stewart School, Bhubaneswar (strictly personal, not necessarily reflecting the opinions of the school or the management) which has the reputation of discipline and good administration, have weight in the present context. His views are these :

- (a) There should be better pay for teachers to enable them to be free of private tuitions (which should be discouraged at all levels) and enable them to meet the students outside the normal curriculum ; at the same time teachers and lecturers should be so well qualified that they should not fear, but encourage questions from students—standards should therefore be raised.
- (b) The guardians and parents can help in maintaining discipline amongst their wards while at home by taking an interest in all their activities and by keeping them usefully occupied ; but they have to start by being much more strict in discipline from the child's earliest years, later their example will help considerably ; parents and guardians should try to keep up their children's studies, to find time to share things with them and be firm with kindness ; parents should be free to meet teachers out of school hours ; they must also give more respect to the teachers of their children and try to co-operate with them.
- (c) The leaders of the community at every level can help by the example of self-discipline and by selfless service to the people ; all suggestions of corruption should be cleared by honest investigation where specific instances are given and all 'graft' severely punished ; true or false, there is far too much talk of corruption in the country ; all people should know that they will get a fair deal from all authorities, only then will students and others respect them and listen to them ; this is the old principle that not only must justice be done, it must manifestly be done.

- (d) There should be compulsory military training ; most certainly either full-time military service of one year at least or for one year in some directed community service away from the student's home, for example, helping to improve living conditions, digging wells, building a village school while living in that community. The Principal is not in favour of giving formal military training to school students. In the early years, this should come by example and by instilling a sense of pride in home, school, State and country; but there should be more emphasis on the virtue of manual labour, even the humblest, from the beginning.
- (e) As regards students in politics, his view is that University students who have done one year military or community service should be adult enough for politics but the students should not abuse the privilege and make a mockery of the democracy; otherwise the authorities would be right to ban political societies in colleges.
- (f) He agrees with the view that it is desirable that there should be a code of conduct for such students to restrict projection of their political personality into academic atmosphere of the educational institution; this could be done by getting first the support of the political bodies; then the college/university should have full rights as to conduct college/university life and activities, with a firm and irreproachable legal basis so that students who exceed their rights can be summarily fined, suspended and expelled but this must have the firm backing of the Government.
- (g) The students should not control the University life to the disadvantage of those who are of a different political mind; but the Universities cannot act without full backing or with fear of legal proceedings against them; they should be able to apply the rule of law knowing that it will be effective.
- (h) College students may participate in political debate but not in political agitation; school children have little political awareness and are not mature enough for political decisions or affiliations.

- (i) As measures for the future, he suggests that there should be a much higher regard for the teaching profession with a higher standard; the application of law in all cases of offence (from travel without ticket to the more serious offences) whoever the guilty party; creating more opportunities for the non-graduates and by refusing to make a fetish of degree; thus many may do well without University education (if disparity between salaries is also minimised); reducing the number of students and raising the standard to those of Western countries.
- (j) By way of a note of clarification, the Principal expressed that there are too many wishing to study at University level who are simply not intellectually equipped for this; this surely is a basic problem; the demand for jobs is so keen that at present life for those without University education seems without adequate promise; parents are unscrupulous about giving incorrect age to get the children into school and years later when this works to disadvantage, swearing affidavits to the effect that it was all a hurried mistake; the children also know this; therefore, there has to be a reconsideration of basic values and basic philosophy of life, perhaps spiritual enlightenment.

82. The Headmistress, St. Joseph's Convent School, Cuttack, also expressed the views on the same lines.

83. The Principal and Secretary, Stewart Science College, Cuttack, Mr. S. M. Das made certain concrete suggestions including establishment of residential colleges where round the clock supervision is possible; provision of part-time job for students to finance their education as in America "Earn while you learn"; no student should participate in active politics; overcrowding in colleges and hostels to be reduced; Government should not interfere but respect the autonomy of the University—a practice scrupulously followed in Western countries; an overall change in the system of education on the line of Cambridge University examination to discourage cramming; institution of students' court of discipline; greater youth welfare activities; introduction of tutorial system; internal assessment in college examination.

84. *Other distinguished persons : Political and religious leaders*: Among the distinguished persons Dr. C. D. Deshmukh, President, India International Centre, New Delhi, in course of replying to the Questionnaire generally gave certain suggestions *inter alia* that elections to the Student Unions by proportionate representation would be the best; that the best way the existing Unions can be reformed would be by eschewing professional student leaders and disqualifying students with poor academic record; proper pupil-teacher ratio, tutorials; for facilitating more intimate contact between teacher and student, he suggested that it should be between 15 : 1 and 20 : 1 (with 8 or 10 : 1 in Medicine, Engineering and Technology; groups of 8 to 10 for tutorials); in order to make the academic life attractive, he suggested adoption of the recommendations of seminars of student welfare (e.g., a few months ago at Delhi University). He does not think compulsory military training for our students in colleges necessary or even desirable. As regards amenities to hostel students, he suggests adoption of the report of the University Grants Commission on this point. As regards students participating in politics, he says that they should not be active members of political organisations.

85. Raja Shri S. N. Bhanja Deo of Kanika, a former Minister of Orissa, with his progressive outlook and experience as an administrator, gave certain new ideas based on his wide experience and study of the current problems of the day. The causes of the breaking up of old standard and code of conduct on the part of the modern youth resulting in indiscipline for which he suggested certain remedies are these: At home the modern youth do not have the respect and reverence for their parents; parents are also shirking their responsibility and suffer from inferiority complex in that they think that they are not capable of giving proper guidance to their sons and daughters; parents and children relationship has deteriorated; at schools and colleges teachers do not occupy the same position as they used to have in the past; teachers now-a-days are persons of mediocre calibre and are unfit in guiding students and commanding respect from them; in the primary stage most of the teachers are either non-matrices or matriculates after several attempts or 3rd division matriculates; the breaking up of the traditional society where there was no struggle for existence resulting in lack of security is a contributory factor; modern youth find themselves misfit; they are frustrated and get demoralised because of social inequalities; thus too much of freedom, conditions fostering delinquency, lack of proper

guidance from elders, parents, teachers and superiors are contributory factors for student indiscipline. In the above context, briefly stated, he made certain valuable suggestions, in course of the discussion while replying to the Questionnaire, for meeting and tackling the problem:

- (a) Students should take interest in games, outings, picnics, scouting, boating, camp life, and also there should be some meetings with light refreshments where Professors could mix with the students and speak on various subjects. In this context, he regretted that in the Ravenshaw College 5 tennis courts were laid in 1928 ; games were played in all courts but still a large number of students were waiting to get their turn ; now not a single tennis court is attended ; apparently there is no effort to initiate the boys to appreciate games and participate in games ; to bring proper atmosphere in the educational institutions there should be practical and sincere educationists in the staff.
- (b) In this context, he suggests foreign Professors to be appointed at least one or two in each college ; they could enrich the cultural activities and they could take the boys out and see that the boys enjoy the games ; they could even teach simple rules of manners and etiquette which many of our boys do not know with the result that they cannot mix in any international society ; the outlook of these boys on an average is below the mark judging from international standards ; he noted Professors failed to speak a few sentences correctly and talking things in uncouth and uncultured manner ; we must aim at quality and not mass production.
- (c) Student Unions must have cultural activities and they require guidance ; so it should be presided over by Professors ; the other office-bearers like the Secretary may be taken from the students. In this connection, he suggests that Student Unions could organise some cottage industry like making and binding exercise books or a small Soda water factory where each student could go and work for an hour and get remuneration which would be of great help in his studies and the factory could run on high hygienic standard and the products

could be marketed specially in football matches and other student gatherings ; they could also start a consumers' co-operative store where all the students could procure all their requirements like text-books, stationeries and other necessities ; by this, besides getting some training in business they get some remuneration ; they could also get themselves trained in typewriting and procure materials for typewriting from lawyers and earn some money ; by this, the students can stand on their own legs rather than begging ; they can also help in collection of statistics for economic survey and they can get some remuneration from Government for this work ; the different activities of the Student Unions should be put into different sections—debating society, writing of essays, etc. ; but in each section there should be a Professor to guide and see that the object of the society is fulfilled.

- (d) As regards code of conduct, he suggests that code of conduct should be properly enforced in the Government, Local Bodies and Ministries ; the rules of the game must be enforced properly if they are to play the game of democracy. In his opinion, there must be straight talk and unbiased analysis of the present problems without any ill-will.
- (e) The police should try to regain the confidence of the public and specially the younger generation ; the police have also a duty to perform in shaping the character of the youth. As regards the standard of behaviour that the police should maintain, he gives a programme—the Police Code of Ethics as adopted by the International Association of Chiefs of Police in 1957—which has been *in extenso* quoted in the Chapter dealing with code of conduct for the police.

86 Mr. M. S. Golwalkar, Chief Organiser, RSS, in an interesting analysis with emphasis on religious aspect contributed an instructive article on the problem of student indiscipline in general by way of reply to the Questionnaire. He very kindly took great pains to go deep into the problem and give the benefit of his wide knowledge and experience as a political

and religious leader. He went deep into the nature and causes of the problem of the youth not different from the rest of the society. While criticising our educational system as merely informative and not formative, some of his views based on fundamental principles of life and religion which give a new light to the problems are these :

- (a) Every student must be taught the basic principles of 'Dharma', the life history of our great ancestors who lived and demonstrated those high principles, the correct and true history of our people with the story of our national heritage—in its noblest aspect; every student must be given some preliminary training in the science of mind—control through simple Yogic exercises; the rest of the education has necessarily to relate to the surrounding facts of day to day life, to each individual's aptitude so as to equip him to successfully face the trials and tribulations in life.
- (b) From the very beginning, the emphasis should be on duty in all relationships; to achieve this end of inculcating a correct sense of duty, our system of education needs to be ideal-oriented; the human being is a way-farer on the path to the Ultimate Supreme Reality; that Reality can be attained by devoted selfless service; it is through service to Man, that we can serve the Reality; service to man has to begin with service to the people with whom we have natural bond of affinity of ancestry, heritage and tradition, national entity and grateful devotion to holy motherland which fosters us all and in common devotion to which unites us all in one national personality; these are basic ideas or aspects of our common ideal; a firm grounding in dedication to this one ideal is calculated to induce community of will, of mental and intellectual co-operation; when coupled with this co-ordinated will, co-ordinated and controlled physical activity makes what is known as discipline.
- (c) Military training can produce co-ordinated action on the physical plane; from the impressionable school going age graded military training needs to be imparted culminating in advanced courses in college days; but military training cannot by itself inculcate the real spirit of discipline unless concerted



efforts are made to instil the discipline of will which is born out of common devotion to one great ideal.

- (d) All amenities granted in the educational institutions and hostels have to be directed towards this goal; the amenities available today are of the nature of relaxation and pleasure hunting; these also have a place in student life but the whole atmosphere needs to be charged with the spirit of making one's contribution to knowledge, of the pious ambition of making one's mark in the service of the ideal.
- (e) Considerable extra-curricular activities have to be provided in the form of lectures, discourses, debates, in the form of sports and physical exercises, in the form of arts and pictures, of trips and outings, of participation in physical labour needed in actual life for following the various professions, in the form of service rendered to society presently living in less favourable conditions.
- (f) This will need constant guidance and supervision by teachers and wardens of hostels ; naturally the teachers have to be competent, well-versed in the subjects they teach, of unimpeachable character and of a disposition loving and also capable of establishing homely relationship with the youth ; a teacher constantly haunted by the fear of penury, constantly afflicted by the necessity of augmenting his slender means to feed the members of his family and to maintain an appearance of respectability, overloaded with work and burdened with the responsibility of looking after a crowd of young-folk, cannot be expected to come up to the required standard ; therefore, the economic condition of the teacher has to be improved and he should have a limited number of students to look after ; one teacher can conveniently and efficiently take care of between 16 and 24 wards ; this ratio has to be established to achieve the desired results ; the same is true about the wardens of the hostels also.
- (g) At home, the parents and guardians should maintain a peaceful, loving family life, following virtuous religious life, performing with proper decorum

their traditional rites at least in some minimum degree and training the children to participate in these with faith, devotion and a sense of duty ; this will go a long way towards inculcating good conduct and discipline among them ; other individuals such as neighbours may also be helpful by setting up a standard of good behaviour in their own lives.

- (h) The children learn by imitation ; the lives of the teachers, wardens, parents and neighbours have their impact upon their impressionable minds ; they have to realise this and mould their life properly.
- (i) Politics and political parties may be studied by the elder students from an impartial and academic point of view, but they should not allow parties or party leaders to interfere in their Union activities ; the whole atmosphere in the country is vitiated by an inordinate emphasis on the political and economic aspects of life ; persons in those fields are projected as the leaders and ideals of society ; it will be difficult to say that their character and conduct are worthy of emulation barring some rare exceptions ; day in and day out a ferment is on agitations, fanning peoples' emotions often not very noble are launched, and persons of not very commendable moral calibre are thrown up as leaders and ideals ; it is unnatural to expect that agitations where passions are roused will leave the impressionable, emotional youth with abundance of energy cold and unaffected ; the promoters of agitations, desirous of strengthening their movements by adding to the number of participants to make them effective, cannot but be tempted to exploit this volatile youthful force.
- (j) A change is also called for in the country's general political atmosphere ; the agitational approach to problems must give way to a constructive one born out of discussions, mutual understanding and readiness to accommodate one another's point of view and finding out a peaceful solution to them ; in this the role of those in charge of the Government is of primary importance ; if they do not pay proper respect and consideration to the opinions

other than their own and remain stubbornly averse to making reasonable concessions to such opinions, agitations will go on and with them student indiscipline in ever increasing proportions.

- (k) The Student Unions, therefore, have to be wholly divorced from political or other agitational parties and their activities guided into healthy channels for developing knowledge, spirit of service, dignity of physical labour, spirit of comradeship and of community life; closing down Unions is no remedy; Unions have to be encouraged especially at the college stage (at the school stage the students are too unripe to understand and operate Union activities) for, they give an opening for the excess of energy which the young possess; the channels into which their activities can be diverted with benefit have already been indicated in connection with the extra-curricular activities.
- (l) As regards Press, a complete change in its attitude is called for; the Press will do a great service to the country if they give due importance to those devoted to service of God and humanity, whose lives, though not possessed of glamour, are spotlessly pure and tirelessly engaged in selfless action and hold these forth as really worthy of being imitated and followed—periodicals and magazines can do this properly; from daily newspaper it is too much to expect; the Press should not give excessive importance to politico-economic aspects and project only such persons as indulge in them as ideal personalities to be emulated.
- (m) The audio-visual methods of education are rightly acclaimed as efficacious in imparting instructions and moulding character; it is however regretted that the power of these methods is abused by advertisers in the papers, on walls, kiosks and places which easily catch the eye, abused by dinning into the ears of the public unseemly songs over the loudspeakers through the radios and transistors; voluptuous pictures and songs meet the eye and ear at every step; how these must be corroding the moral fabric of the youth can easily be imagined but in the name of progress all this goes on without let or hindrance; the result of all this inordinate emphasis

on material, political and sensual propensities is seen in the shattering of all moral and ethical values; the present day leadership, the atmosphere built up by them and the false notion that satisfaction of animal appetites is the end all and be all of modernism, of progressiveness and development, have contributed to make the people and more especially the growing generation amoral; morality is good; immorality, though bad, has one good quality—the understanding of moral values and realisation of having deviated from them; but non-morality is positively a danger for there in callous disregard for both the moral and immoral; the immoral, the sinful have a chance of turning over a new leaf but the amoral becomes impervious to all sense of right and wrong; as such his is an irretrievable case; such persons are extremely dangerous to the right evolution of society.

- (n) A thorough reorientation in the processes of thinking in establishing values of life and proper apportioning of importance to the various aspects which together go to make a full life for the individual and consequently for the nation, is the need of the hour; want of this is at the root of all our social evils including student indiscipline; if this reorientation is not immediately taken in hand seriously, other remedies will remain merely superficial and ineffective.

87. Swami Gambhirananda, General Secretary, Ramakrishna Mission, Belur Math suggests certain general measures in course of his reply to the different questions with emphasis on spiritual and moral values substantially on the same lines as indicated in the views of Mr. Golwalkar fully discussed above. Swamiji in his reply to the question on measures for the future, emphasised the necessity of the students realising the real values of life in order to stop their drifting away from their cultural moorings from day to day through sheer neglect of the study of their indigenous thought and culture as embodied in our religious literature. He quoted Swami Vivekananda having pointed out in most unambiguous terms :

“ Religion alone is the life of India and when that goes India will die, in spite of politics, in spite of social reforms, in spite of Kubera's wealth poured upon the head of every one of her children ”

Swami Vivekananda wanted to rehabilitate the past glories of his mother-land through an education which would not merely combine in it the best elements of Eastern and Western culture but would at the same time hold aloft the Indian ideals of devotion, wisdom and morality so that it might meet the national temperament at every point; real education, he said, was that which enabled a person to manifest the perfection already in him by a balanced and harmonious development of his head, hand and heart; this is the real panacea for all the ills that are now corroding the vitals of our society.

**D. Necessity of specific measures for the future as experienced at different places of incident during the last students' agitation in Orissa :**

88 The general causes of student disquietude—social, economic and political—are substantially the same all over the country. Therefore, the measures hereinafter suggested by the Commission, though meant for Orissa, are applicable all over the country.

89. In course of this enquiry, the attention of the Commission was drawn to certain aspects which need special treatment and consequently certain special measures so that similar situations of the nature as developed in Orissa during the period can be averted, met and tackled if and when they arise in future.

90. The specific measures recommended by the Commission relate to, among other things, the security and the maintenance of academic atmosphere in and around educational institutions by providing suitable compound wall (without bricks) as befitting the dignity and sanctity of the institutions ; removal of unhealthy surroundings in and around the school and the college campus as found undesirable; provision for and improvement of the amenities in schools and colleges; removal of the existing congestion in the hostels, provision for good libraries, sports, games and other extra-curricular facilities ; and such other matters of particular interest affecting the administration and the educational institutions which came to notice in course of the enquiry.

91. That apart, there is also the need for specific measures providing for adequacy of police strength, equipment (teargas, mike, loudspeaker facilities), buildings, housing accommodation and location of the rural police stations—all as measures for public security and general efficiency of the police administration in charge of maintenance of law and order.

### **E. Recommendations by the Commission of the measures for the future**

92. In the light of the above discussion the Commission recommends the following measures:

#### **A. GENERAL MEASURES**

- (i) *Re : Administration and matters connected with discipline inside the campus: location of educational institutions:*
  - (a) that, for discipline, the Principals and Headmasters should be allowed complete authority over them in respect of the functioning of the educational institutions; students should be made to realise that they have nowhere else to go outside the college except through their teachers, Professors, Headmasters and Principals; members of the teaching staff should also be made to realise that they have no outside agency through which they will be able to secure any advantage for themselves ;
  - (b) that the educational authorities will have to overcome the fear of strike and getting beaten by the students; the heads of the educational institutions will have to ensure that the few undesirable elements among the students cannot impose their opinion and decision on the law-abiding majority under threat—the undesirable elements should be removed from the institution by issue of compulsory transfer certificate;
  - (c) that every college and University should have a Dean of Students on its administrative staff whose main responsibility will be to work with students and with teachers looking after improvement of the relationship; he is to supervise the students' services; he will co-ordinate all such students' services as health, housing, counselling, placement and financial aid; find suitable quarters for all students, provide adequate library and reading room facilities and plan such other activities for them so that they can fruitfully utilise their spare hours.

*(ii) Re: Admission to be strict:*

- (a) that the screening of admissions to students must be introduced so as to direct a student to a course of studies most suited to his temperament, training and equipment;
- (b) that more opportunities should be created for the non-graduates and by refusing to make a fetish of degrees; thus many may do well without University education (if disparity between salaries is also minimised); reducing the number of students; raising the standard to those of western countries.

*(iii) Re : Syllabus in schools and colleges :*

- (a) that in the schools, students are to be acquainted in the higher classes with the provisions of our Constitution, its Directive Principles and their significance, our rights and duties as citizens; this will enable the students to develop regard for it;
- (b) that in the colleges, students should be taught about our future Development Programmes, Five-Year Plans, their objective (socialistic pattern of society), about the strategy of the Plans, how rapid industrialisation involves a certain amount of hardship which has to be put up with the expectations of better days in the future; this will better equip the students to stand privations consequent on planning and act as a deterrent against violent outbursts;
- (c) that text-books prescribed for our educational institutions should be so written as to rouse sense of patriotism; stories of army, navy and air-force heroes, some idea about defence should be included in the school curriculum;
- (d) that English should be taught compulsorily from U. P. and Middle School up to the Matriculation; it is necessary to retain teaching of English for the reason that it serves as a medium to get acquainted with the world at large and also for the purpose of higher study, especially in Science and Technology.

(iv) *Re : compulsory military training both in schools and colleges :*

- (a) that compulsory military training both in schools and colleges is a necessity in our country; military training can produce co-ordinated action on the physical plane; from the impressionable school-going age, graded military training needs to be imparted culminating in advanced training in college days;
- (b) that if well conducted, compulsory military training can contribute to a student's sense of his part in the community; military training is just one factor and it may be a very positive one when co-ordinated with other factors.

(v) *Re : College Unions : no question of abolition : need for reorganisation :*

- (a) that the view expressed by some of the educationists that College Unions should be abolished is not acceptable ;
- (b) that the College Unions as well as other forms of students' organisations should be reorganised with greater control of staff advisers and with a strict code of ethics; the activities of such Unions should be strictly limited to certain recreational, creative or cultural activities;
- (c) that Student Unions should be cultural activities and they require guidance; so, they should be presided over by Professors; the other office-bearers like the Secretary may be taken from the students;
- (d) that the Student Unions may be reorganised on the model of the constitution of the Maharaja Sayajirao University Union, University of Baroda, a copy of which is included in the Appendices to this Report; under such constitution the various institutions may elect, by direct vote, members of the Executive Committee; the Executive Committee may elect the Vice-President and the General Secretary of the Union; the President and the Treasurer may be appointed by the Syndicate and the Vice-Chancellor respectively from among teachers who have shown active interest in the welfare of the students in general; unsatisfactory academic progress should be a bar to any Union distinction.



(vi) *Re : Recreational, creative and cultural amenities within the campus :*

- (a) that the college and school authorities should provide ample recreational, creative or cultural opportunities in their respective campus so that the youthful energy of the students may be fruitfully channelised; there should be every effort to make the schools and colleges happier and much more pleasant with reading halls, restaurants, cafeterias and other similar amenities ;
- (b) that students should take interest in games, outings, picnics, scouting, boating (this may be possible in the Mahanadi, the Kathjuri and the Kuakhai in winter), camp life; there should also be some meetings with light refreshments where Professors could mix with students and speak on various subjects; in this context it is regretted that in the Ravenshaw College the five tennis courts which are said to have been laid in 1928 and games played in all courts would now all go unattended; apparently there is no effort to initiate the boys to appreciate games and participate in games; they must be revived immediately so as to be visible from outside the campus; it will improve the general atmosphere of the Ravenshaw College; it will give life to the students.

(vii) *Re : Necessity of good teachers : improvement of their standard : teacher-student ratio to be improved :*

- (a) that as in the present state of things until conditions improve, some form of "in-service" training for newly appointed teachers may be instituted; the curriculum for this type of training may include general teaching techniques, tactful handling of students, departmental rules and regulations and similar topics;
- (b) that the status of teachers as the builders of the nation must be higher than administrative personnel; they must be well paid and free from worries; Government should take up and control all educational institutions;
- (c) that there should be better pay for teachers to enable them to be free of private tuitions (which should be discouraged at all levels);

- (d) that the teacher-student ratio in schools and colleges for facilitating more intimate contact between them should be 1 : 10 which should be ideal; this, however, means funds for having more teachers; in any event it should be between 15 : 1 and 20 : 1 (with 8 or 10 : 1 in Medicine, Engineering and Technology; groups of 8 to 10 for tutorials).
- (viii) *Re : Need of reorientation of Government's Education policy on Jesuit or on Ram Krishna Mission lines: if necessary, foreign professors (Japan or England) may be appointed on loan basis :*
  - (a) that our educational institutions should be run generally on the lines of the Jesuit institutions in India or Ram Krishna Mission institutions which are notoriously strictly governed and they practically never have troubles with discipline; most of our educational institutions are almost all Godless; very few colleges are successful in implanting sense of impersonal corporate loyalty in their students; the few which do—like St. Stephen's in Delhi, Elphinstone in Bombay, Madras Presidency and Christian Colleges and the very few schools and colleges run by Ram Krishna Mission as at Belur and other places—do so because of the selfless devotion and the obvious probity of their teaching staffs and senior administrators;
  - (b) that it is from this feeling that the Commission suggests that, even if it becomes so necessary, foreign professors may be appointed preferably from Japan or from England as we do in case of scientists and engineers on loan basis from foreign countries to help us with expert advice in our industrial projects.
- (ix) *Re : The necessity for psychological approach to the problem of students' disquietude :*
  - (a) that the teachers generally should deal with student indiscipline inside and outside the college firmly but at the same time with love, affection and consideration; students should be made to feel that the authorities are not vindictive, that the authorities have made up their mind not to tolerate any acts of indiscipline, that the authorities would not listen or pay heed to any external suggestion, influence or pressure;

- (b) that the students should be made to feel that Principals and teachers have courage, conviction and power of action, that Government authorities—however high—do not interfere with their action, and give their views respect and consideration as usually given in advanced democratic countries;
  - (c) that the atmosphere both at home and in the educational institutions needs such re-orientation as to charge the young people with some kind of central adherence as explained in paragraph 25 of this chapter;
  - (d) that sexy pictures and foolish propaganda about family planning in season and out of season should be banned; children must not start with the feeling that they are chance-products of sexual life or that every third, fourth or fifth among them is an undesirable burdens upon the family and society.
- (x) *Re : Necessity of moral and spiritual side of education :*
- (a) that the basic and fundamental rules of conduct enjoined by religions should be demonstrated before the students not only through precept but by example both at home and in the educational institutions;
  - (b) that, as in public schools, Moral Science and Hygiene should be made compulsory subjects; one main factor responsible for indiscipline in our student community is the absence of moral and hygienic teachings in educational institutions run by the Government; these sciences find no place in regular courses or as part of the teachings in our schools; the absence of teachings on these subjects in the educational institutions is regretted;
  - (c) that every student must be taught the basic principles of 'Dharma', the life history of our great ancestors who lived and demonstrated those high principles, the correct and true history of our people with the story of our national heritage in its noblest aspect ; every student must be given some preliminary training in the science of mind-control through simple yogic exercises ; the rest of the education has necessarily to relate to the

surrounding facts of day to day life, to each individual's aptitude so as to equip him to successfully face the trials and tribulations in life ;

- (d) that every student must know what Swami Vivekananda pointed out, namely, that religion alone is the life of India, and when that goes India will die, in spite of politics, in spite of social reforms, in spite of Kuber's wealth poured upon the head of every one of her children ;
  - (e) that real education is that which enables a person to manifest the perfection already in him by a balanced and harmonious development of his head, hand and heart ; this is the real panacea for all the ills that are now corroding the vitals of our society.
- (xi) *Re : Need for unity in political leadership with regard to the students :*
- (a) that there must be unity in leadership among the political parties or the groups, if any, in any of them, either by way of a code of conduct or by mutual understanding ; there should be one policy and programme with regard to maintaining student discipline in the same manner as they are to do on other basic fundamentals such as health and hygiene, social security, education, law and order—which form the very basis of social order in a democracy ; political parties must not gamble on students ; they should allow the students to grow and be educated to shape on democratic ideals and prepare for taking up the future leadership ;
  - (b) that thus, apart from the atmosphere at home, schools and colleges, the political atmosphere is a vital factor in maintaining student discipline ;
  - (c) that the students must be made to feel that all politicians or the Government which run the country are all united in their policy and programme so far as students are concerned ; in that context, the Government has to be strong because the emotional student community

take advantage of a weak or a lenient Government as experienced during the last students' agitation in Orissa ;

- (d) that there must be such cohesion in the united political leadership with regard to the students, so that the students may feel convinced that they would not get any support from any political party in which student indiscipline is involved ;
- (e) that politicians must beware that they are playing with fire ; in the matter of students there must be unity in democratic forces, otherwise, all may have to face the consequences, as in the other countries in South-East Asia—the risk of a student Government.

(xii) *Re : Students and politicians : hands off the students :*

- (a) that political parties should not exploit the student community in their propaganda work ; the student may be free to choose his career and form his political views independently but the political parties should not influence him ;
- (b) that various political parties should come to an agreement for not using the students for political purposes ;
- (c) that a mutually agreed code of conduct should be prescribed amongst all political parties including the party in power to keep themselves aloof from educational institutions—politics should not be injected into the students' body ; the student community as an organised powerful force poses a potential threat for the future as they at later stage of the movement appeared to have been mobilised for political and party purposes ;
- (d) that the students' association with the political leaders, if any, should be merely on personal level and not on ideological or partisan basis ;
- (e) that the students have to be made conscious of the rigors of the law and made to realise that the society will not tolerate their taking liberties with

law ; the political subversive elements are not to get any opportunity of exploiting the students by spreading among them discontent and contempt for law and authority, imbibing in them political ideologies in order to achieve their political objectives ;

- (f) that the college students may participate in political debate but not in political agitation ; school children have little political awareness and are not mature enough for political decisions or affiliations ;
- (g) that grown-up students like any citizen in the country should take interest in politics ; but so long as he remains a student he should not go against the rules and discipline of the institution, where he reads, in order to participate in politics ; his participation in politics should be subject to rules and regulations of the college where he reads ; in a democracy each grown-up man or woman is interested in politics ; but that activity has to be conducted with the limitations of the educational institution ; these limitations are to be maintained by the teachers ;
- (h) that as regards school students, they should not take any part in any agitation ; in fact the school students are led by the college students ; even then, it is the teachers in schools who should keep their students under their influence ;
- (i) that student career is a period for acquisition of knowledge and nothing should be undertaken by the students during this period which would disturb the students' concentration and fritter away their energy ; if for any reason a student in his individual capacity is compelled to participate in active politics he should never project his political personality into the academic atmosphere of the educational institution ;
- (j) that the Education Code should prohibit in no uncertain terms the practice of active politics in schools and colleges ;

- (k) that the heads of educational institutions should be encouraged to take prompt and drastic action as provided in the Education Code on receipt of police complaint instead of trying to shield the students from police action with a view to achieving cheap popularity ;
  - (l) that in the matter of day to day administration of educational institutions, strict observance of the Education Code or other relevant Code should be enforced.
- (xiii) *Re : Student indiscipline outside the campus : law and order : firm administrative approach : no leniency :*
- (a) that while maintaining natural parental attitude towards the students, the administration should adopt stern attitude of discipline; it is time that discipline should be enforced not only inside the institutions but also outside;
  - (b) that at home the parents and guardians are to enforce discipline; that all concerned—teachers, parents, guardians and administrators—have all to play their respective part if the problem has to be solved failing which they will be failing in their duty to the students and to themselves;
  - (c) that if the preventive measures fail, the administration should have no hesitation to deal with any such upsurge firmly no sooner it transgresses the legitimate limits; a deep impression should be created in the minds of the students by such firm administrative action that law-breakers and wrong-doers are treated alike, be they students or others; the less the governmental interference with the discretion of local administrators in the matter of administration of law and order the better;
  - (d) that no special leniency or consideration should be shown to such indisciplined students;
  - (e) that the provisions of the law and powers conferred on the police for maintaining public order do not differentiate between students and other demonstrators; nor indeed there should be any significant difference in the methods of the police in dealing with them.

**B. SPECIFIC MEASURES**

*(on the basis of experience at different places of incidents during the last students' agitation in Orissa )*

(xiv) *Re: Security and maintenance of academic atmosphere:*

- (a) that the low compound wall around the Ravenshaw College campus now affording easy access into the campus should be rebuilt with pointed, bent and fabricated M. S. square gratings fitted and fixed as per design and complete fixing of M. S. flats as recently built up around the Barabati Stadium, Cuttack; this would not only secure the college campus from external mischief but it will also add to the beauty and dignity of the institution as the premier college of the State;
- (b) that the slum areas, hawkers' stalls and other mushroom stalls at present situated along the periphery of the low compound wall of the Ravenshaw College should be cleared up, so that the college campus and its neighbourhood would present a healthier and more comely atmosphere; the NCC road running by the side of the East Hostel should be cleared of all stalls; all temporary shops on the college side of Pilgrims Road should also be cleared; this is necessary for the proper academic atmosphere of the college and to keep students away from mischief;
- (c) that there should be strict provision to restrict entrance, into the Ravenshaw College campus, of the people who have no legitimate business with the college or the staff quarters or hostels inside the compound;
- (d) that in view of the inadequacy of hostel accommodation as found in the Ravenshaw College, there should be better arrangement for proper housing of the students ; it was found that 4 or 5 students were housed in one room which was formerly being used as either single-seated or double-seated room; this congestion must be avoided;



- (e) that there should be better provision for reading room, sports, games and other extra curricular facilities in the college; it is said that there is not even sitting accommodation in the existing common room for even 50 per cent of the students at a particular hour;
  - (f) that the recommendations in clauses (a) to (e) above will also apply to other colleges and hostels in Orissa as far as practicable.
- (xv) *Re : Adequacy of police strength and equipment : buildings, housing and location of police stations :*
- (a) that the police force should be sufficiently increased to such strength as would enable them to deal with such emergent situations effectively ;
  - (b) that the policemen should be trained in the effective methods of dealing with such demonstrations including the use of tearsmoke in such cases; at present the police in Orissa are using, for their guidance, a secret booklet styled as "Tear Smoke Instruction Manual" issued by the old Government of the Punjab; it is supposed that there has since been further improvement and modernisation of these methods which should be made available to the police department;
  - (c) that there should be better arrangement for mike and loudspeaker to be more readily available to the force who are to deal with riotous mob;
  - (d) that whenever any armed contingent whether APR or OMP moves out on law and order duty, it should be equipped with at least one set of speech-amplifying equipment; it would also be better if two such sets are kept in reserve at each important police circle, if not, at each important police station;
  - (e) that the stock of tearsmoke or teargas shells should be more readily available to the force;

- (f) that whenever an armed contingent whether of APR or OMP moves out on law and order duty, it must be equipped with adequate tearsnake equipments;
- (g) that as far as practicable tearsnake shells or grenades should be refilled in time, so that they are effective in emitting smoke when used and there may not be any occasion of its not being effective by reason of the shells/grenades being of old stock;
- (h) that for reasons of security, the police stations and the quarters of the police personnel should be situated in a compact area with proper and safe compound walls around, so that the police—while operating against a crowd suspected to be in the aggressive mood of attacking the police station and/or police quarters—might take suitable precautions in the matter from a more secure position; to this end none of the police station buildings or quarters of the police staff should have any thatched roofs; all these should be terrace-roofed and as far as practicable the police station buildings should be double-storied; the thatched roofed police station houses, as at Binjharpur or at such other places, should all be dismantled and new buildings should be suitably constructed in their place;
- (i) that it is not desirable that office of any other department should be housed together with or be attached to any police station building or be inside the compound of the police station, as Jagatsinghpur police station housed along with the office of the Sub-Registrar; every police station must be independently situated;
- (j) that the Court Hajats of the type, as found at Berhampur, should all be dismantled; the one found at Berhampur reminds one of Tolstoy's description of such a thing in Czarist Russia; the Court Hajats should be so made as to be part of the main court building; they must look modern.



सत्यमेव जयते

**PART VIII**  
**LAST WORD**



सत्यमेव जयते



सत्यमेव जयते

## CHAPTER XXVII

### JUDICIAL ENQUIRY

Under the Agreement dated November 5, 1964 between the Students Council of Action and the Chief Minister of the State, the students decided to recall the agitation, *inter alia*, on the condition that :

“ There will be judicial enquiry into all the incidents that have occurred throughout Orissa from the 26th September ultimo uptill now connected with the students' agitation. The Government and the students community shall abide by the decision of this enquiry.”

The agitation ended with the agreement that there will be a judicial enquiry.

2. It was thus that on the persistent demand by the public and the students this Commission was appointed to enquire into and report on the matters of definite public importance contained in the terms of reference.

3. The Commission has had to proceed warily and to approach its task of assessing the intrinsic value of the evidence placed before it in as objective a manner as it could and to arrive at conclusions appearing to be well founded on the proved facts or the irresistible probabilities of the case, unhampered by any extraneous considerations. The Commission has not, for a moment, permitted itself to forget or overlook its supreme duty to render justice to the parties arraigned before it but, nevertheless, it has not shirked its duty to formulate its conclusions drawn from the dependable evidence and the compelling circumstances of the case, undeterred by any consideration of the probable effect of its findings on the fortunes of individuals or parties.

4. The Commission has, throughout this enquiry, constantly borne in mind the two cardinal principles which have made our laws and administration of justice noble and which bar the way to tyranny and arbitrary Government. These principles are:

- (a) that an individual must be presumed to be innocent until the contrary is proved beyond reasonable doubt by dependable evidence freely given and publicly ascertained or by the irresistible probabilities of the case ; and
- (b) that no individual shall be condemned on suspicion, however strong.

5. In arriving at its conclusions, the Commission has, therefore, demanded the high standard of proof, which our laws enjoin, before it has accepted any allegation, however emphatically asserted, as evidence on which it could safely rely and confidently act. In evaluating the evidence laid before it and in regulating its proceedings the Commission has adhered to the time-honoured principles embodied in our Evidence Act and the Codes of Procedure, not because they are binding on it but because they enshrine in themselves the sound and salutary good sense gathered through centuries of experience and wisdom. In the arduous and trying task of holding the scale of justice even as between the contending parties, the Commission has spared no pains to ensure that justice is not only done but also appears to have been done.

6. The bitter and acrimonious controversy between the then Chief Minister and a section of the politicians in Orissa permeated into and poisoned the public life of the State during the agitation. It was not only loudly and widely proclaimed from public platforms and openly ventilated in the Press but had also become the subject-matter of heated discussion in the parlours of many households, hostels and clubs. In short, public opinion at the time was surcharged with rancour and ill-will against the ministry then in office. It is no wonder, therefore, that this Commission has attracted the anxious and even the critical attention of the public and the Press.

7. The Commission was charged only with the duty of finding the true facts as they emerge from the evidence according to the well established principles of law, and to make its report to the State Government setting forth its findings and conclusions. It was also required to recommend measures for the future and to suggest an appropriate code of conduct for all concerned including the political parties, Press and others concerned. Our Constitution has trusted the Legislature and the Government with all matters of policy and reasons of State in relation to the governance of the country. The Commission has no doubt that those authorities will be readily willing to derive assistance from this report in informing their minds about the true state of affairs as they appear from the evidence laid before the Commission. But what action they will take, in the discharge of their own responsibilities, is no concern of the Commission. The Commission cannot permit its own findings and conclusions to be, in any manner, influenced or shaped by an anticipation of the probable decision that the authorities may eventually take. Nor can the Commission be

deflected from its straight path of duty by extraneous consideration of expediency founded on its own notions of policy or reasons of state.

8. The Commission is aware that its report may not satisfy all the passion and partisan spirit which a relentless campaign of the students' agitation let loose in the State. The Commission has, therefore, endeavoured to scrupulously avoid the pitfall of the common human weakness for popular approbation and to preserve the perfect poise and the serene composure of its mind. It has constantly reminded itself of the noble sentiments expressed and the solemn words of prudence and high resolution uttered nearly two centuries ago by Lord Mansfield an eminent and illustrious Lord Chief Justice of England in *John Wilkes Case* 98 *English Reports* 327, 347. His Lordship said :

“ I wish popularity ; but it is that popularity which follows, not that which is run after; it is that popularity which, sooner or later never fails to do justice to the pursuit of noble ends by noble means. I will not do that which my conscience tells me is wrong upon this occasion, to gain the huzzas of thousands, or the daily praise of all the papers which come from the press. I will not avoid doing what I think is right, though it should draw on me the whole artillery of libels; all that falsehood and malice can invent or the credulity of a deluded people can swallow.”

9. Under the Constitution, the Commission as a Judge gave this oath :

“ I having been appointed a Judge of the High Court solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.”

10. By training and temperament as a Judge, the Commission is utterly impervious alike to threats—in fact the Commission had one such threat contained in an anonymous letter received by him in course of the proceedings—or cajoleries. The Commission had to do its duty undaunted by such veiled threat. The Commission discharged its duties to the best of its ability without fear or favour.

Cuttack, 29th September 1966

S. BARMAN  
*Commission of Enquiry*



## APPENDICES



सत्यमेव जयते

## LIST OF WITNESSES

### LIST OF PERSONS EXAMINED AS WITNESSES FOR THE COMMISSION

Serial No. of the witness (1)	Name and address of the witness (2)	Date of examination (3)	Date of discharge (4)
<b>CUTTACK TOWN</b>			
C. W. 1..	Shri Trilochan Misra, Superintendent, East Hostel, Ravenshaw College, Cuttack.	27-5-1965	31-5-1965
C. W. 2..	Shri B. Samantaray, Principal, Ravenshaw College, Cuttack.	31-5-1965	5-6-1965
C. W. 3..	Shri Sachidananda Rath, Secretary, State Transport Authority. The then A. D. M., Cuttack.	26-6-1965	29-6-1965
C. W. 4..	Shri Purna Chandra Ray, Deputy Collector and Magistrate, 1st Class, Cuttack. (Under orders of transfer).	29-6-1965	1-7-1965
C. W. 5..	Shri Uma Charan Padhi, S. D. O., Sadar, Cuttack.	2-7-1965	5-7-1965
C. W. 6..	Shri Narayan Chandra Sen, the then Magistrate, 1st Class and Tahsildar, Sadar, Cuttack (On leave).	5-7-1965	6-7-1965
C. W. 7..	Shri Prafulla Kumar Misra, Superintendent of Police, Keonjhar. The then Addl. Commandant, 1st Battalion, O. M. P., Cuttack.	6-7-1965	8-7-1965
C. W. 8..	Shri Mohammed Samsul Alam, Reserve Inspector of Police, Cuttack.	8-7-1965	12-7-1965
C. W. 9..	Shri Manmohan Sharma, Assistant Commandant, 1st Battalion, O. M. P., Cuttack.	12-7-1965	15-7-1965
C. W. 10..	Shri Rabindra Kumar De, Addl. Magistrate, Cuttack.	15-7-1965	20-7-1965
C. W. 11..	Shri Anam Charan Mohanty, Inspector of Police and Officer-in-charge, Mangalabag P. S.,	20-7-1965	28-7-1965

Serial No. of the witness	Name and address of the witness	Date of examination	Date of discharge
(1)	(2)	(3)	(4)
C. W. 12..	Shri Basanta Kumar Jena, Assistant Superintendent, B. N. Hostel, Christ College, Cuttack.	20-8-1965	23-8-1965

BINJHARPUR

C. W. 13..	Shri Krishna Chandra Misra, Compensation Officer, Dhenkanal. The then Tahsildar and Magistrate, 1st class, Jajpur.	25-8-1965	26-8-1965
C. W. 14..	Shri Purna Chandra Das, O. I. C., Mangalpur Out- post. The then O. I. C., Binjharpur P. S.	26-8-1965	1-9-1965
C. W. 15..	Shri Sayed Mohammed Hanif, Inspector of Police, Vigilance, Jajpur Road. The then C. I., Police, Jajpur.	1-9-1965	3-9-1965

JAGATSINGHPUR

C. W. 16..	Shri Sachidananda Swain, Rent Suit Officer and Magistrate, 1st Class, Cuttack.	7-9-1965	13-9-1965
C. W. 17..	Shri Waiz Mohammed, C. I. Police, Puri Sadar. The then C. I., Police, Jagatsingh- pur.	10-9-1965	15-9-1965
C. W. 18..	Shri Brahmananda Naik, A. S. I., District Intelligence Bureau, Jagatsinghpur.	15-9-1965	16-9-1965
C. W. 19..	Shri Bansidhar Mohanty, Sub- Postmaster, Jagatsinghpur Post Office.	16-9-1965	17-9-1965

BANKI

C. W. 20..	Shri Maheswar Sahu, Sub- divisional Police Officer, Bhanjanagar. The then Inspector of Police, Puri Sadar Circle.	20-9-1965	22-9-1965
C. W. 21 ..	Shri Bijaya Narayan Patnaik, Munsif-Magistrate, Banki.	22-9-1965	23-9-1965

Serial No. of the witness	Name and address of the witness	Date of examination	Date of discharge
(1)	(2)	(3)	(4)
C. W. 22 ..	Shri Lakshman Chandra Pradhan, Tahsildar and Magistrate, 1st Class, Banki.	11-10-1965	12-10-1965

JAGATSINGHPUR (*Contd.*)

C. W. 23 ..	Shri Bhagawan Mohanty, Reader A. S.-I, attached to the C. I., Police, Jagatsingh- pur.	13-10-1965	13-10-1965
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## BERHAMPUR

C. W. 24 ..	Shri Samuel Mohapatra, Zonal S. D. P. O., Special Branch. The then S. D. P. O., Berhampur.	16-10-1965	17-10-1965
C. W. 25 ..	Shri Ananta Charan Dehury, Subdivisional Officer, Berhampur.	17-10-1965	19-10-1965
C. W. 26 ..	Shri Pitambar Tripathy, Ins- pector of Police, O. I. C., Berhampur.	19-10-1965	26-10-1965
C. W. 27 ..	Shri Dandapani Sahu, Police Constable (Naik), Chhatra- pur.	26-10-1965	26-10-1965
C. W. 28 ..	Shri Harekrishna Pradhan, District Panchayat Officer, Chhatrapur. The then Magistrate, 1st Class, Berhampur.	26-10-1965	26-10-1965
C. W. 29 ..	Shri Prahlad Senapati, Steno- Sub-Inspector of Police, attached to S. D. P. O., Berhampur.	26-10-1965	26-10-1965

## BHUBANESWAR

C. W. 30 ..	Shri Ranjan Roy, I. P. S., Additional Superintendent of Police. The then S. D. P. O., Bhubaneswar.	30-10-1965	1-11-1965
C. W. 31 ..	Shri Rajendra Kumar Sahu, Subdivisional Officer, Bhubaneswar.	1-11-1965	3-11-1965
C. W. 32 ..	Shri Sudarsan Das, Magis- trate, 1st Class, Bhubane- swar.	3-11-1965	3-11-1965

Serial No. of the witness	Name and address of the witness	Date of examination	Date of discharge
(1)	(2)	(3)	(4)
<b>SAMBALPUR</b>			
C. W. 33 ..	Shri Monindra K u m a r Kukerja, I. A. S., Deputy Secretary, Ministry of Commerce, Government of India. New Delhi. The then District Magistrate, Sambalpur.	15-11-1965	16-11-1965
<b>BARGARH</b>			
C. W. 34 ..	Shri Sachindra Nandan Das Mohapatra, Project Admi- nistrator, Cement Project, Khaliapali, Bargarh.	19-11-1965	19-11-1965
C. W. 35 ..	Shri Sailesh Kumar Lal, I.A.S., Deputy Secretary to Government of Orissa, Industries Department, Bhubaneswar. The then Sub-Collector, Bargarh.	19-11-1965	24-11-1965
C. W. 36 ..	Shri Yudhisthir Babu, Circle Inspector, Bargarh.	24-11-1965	25-11-1965
<b>BHAWANIPATNA</b>			
C. W. 37 ..	Shri J. P. Das, I. A. S., District Magistrate, Kalahandi.	9-12-1965	11-12-1965
C. W. 38 ..	Shri Asim K u m a r Palit, Deputy Collector and Magistrate, 1st Class, Puri. The then Magistrate, 1st Class, Bhawanipatna.	11-12-1965	12-12-1965
C. W. 39 ..	Dr. Manimala Mandal, Lady Assistant Surgeon, Jeypore. The then Lady Assistant Surgeon, Bhawanipatna.	12-12-1965	12-12-1965
C. W. 40 ..	Dr. Kitindranath Kar, Civil Surgeon, Keonjhar. The then Civil Surgeon, Bha- wanipatna.	12-12-1965	12-12-1965
C. W. 41 ..	Shri Durga Charan Patnaik, Havildar, Khariar. The then Havildar, Bhawani- patna.	12-12-1965	12-12-1965

**LIST OF PERSONS EXAMINED  
AS WITNESSES FOR THE PUBLIC**

Serial No. of the witness (1)	Name and address of the witness (2)	Date of examination (3)	Date of discharge (4)
<b>CUTTACK TOWN</b>			
P. W. 1 ..	Shri Sasankadhar Das, the then Student, Orissa School of Engineering, Cuttack.	27-7-1965	30-7-1965
P. W. 2 ..	Shri Prafulla Kumar Patnaik, Student, Ravenshaw College, Cuttack.	30-7-1965	2-8-1965
P. W. 3 ..	Shri Sukumar Nanda, Student, Orissa School of Engineering, Cuttack.	2-8-1965	3-8-1965
P. W. 4 ..	Shri Promoda Chandra Samant- ray, Student, S. C. B. Medical College, Cuttack.	3-8-1965	11-8-1965
P. W. 5 .	Shri Madanmohan Moha- patra, Student (Secretary, Christ College Students' Union), Christ College, Cuttack.	11-8-1965	13-8-1965
P. W. 6 .	Shri Prafulla Kumar Mohanty, Student, M. S. Law College, Cuttack.	13-8-1965	17-8-1965
P. W. 7 ..	Shri Monindranath Roy, the then officiating Principal, Christ College, Cuttack.	18-8-1965	20-8-1965
P. W. 8 ..	Shri Sarat Chandra Jena, Student, VI Year, Economics, Ravenshaw College, Cuttack.	23-8-1965	24-8-1965
P. W. 9 ..	Shri Ghanasyam Mohanty, Chatrasathi Pustakalaya, High Court Road, Cuttack.	24-8-1965	24-8-1965
P. W. 10 ..	Shri Bibhuti Bhusan Sarangi, B. Sc. Student, Ravenshaw, College, Cuttack.	24-8-1965	24-8-1965
<b>BINJHARPUR</b>			
P. W. 11 ..	Shri Abdul Khalak Khan, Sayedpur, Binjharpur.	3-9-1965	6-9-1965
P. W. 12 ..	Gopal Sundar Das, P. U., Sc. Student, B. J. B. College, Bhubaneswar. The then Student of Kalyanpur High School.	6-9-1965	7-9-1965

Serial No. of the witness	Name and address of the witness	Date of examination	Date of discharge
(1)	(2)	(3)	(4)
P. W. 13 ..	Shri Sk. Tamizuddin, Father of the deceased Sk. Gayas- uddin, Sayedpur, Binjharpur.	7-9-1965	7-9-1965
<b>BANKI</b>			
P. W. 14 ..	Shri Dhurba Charan Lenka, Student of 3rd Year Degree, Banki College.	12-10-1965	12-10-1965
<b>JAGATSINGHPUR</b>			
P. W. 15 ..	Shri Dhurba Charan Patnaik village Chattra, Jagatsingh- pur.	14-10-1965	14-10-1965 (But finally disch a r g e d on 4-11-1965).
<b>BERHAMPUR</b>			
P. W. 16 ..	Shri Gopal Chandra Satpathy, Student, Khalikote Law College, Berhampur. The then President, Khalikote College Students' Union.	27-10-1965	27-10-1965
P. W. 17 .	Shri Surendranath Acharya, Assistant Teacher, Govern- ment E. T. School, Polosara. The then S. I. of Schools. The father of the deceased, Basanta Kumar Acharya.	27-10-1965	27-10-1965
P. W. 18 ..	Shri G. Debadas, Typist, Office of the District and Sessions Judge's Office, Berhampur.	27-10-1965	27-10-1965
<b>BHUBANESWAR</b>			
P. W. 19 ..	Shri Umesh Chandra Mohanty, New Capital, Bhubaneswar (Resident of village Lekhan- pur, P. S. Jagatsinghpur).	4-11-1965	4-11-1965
P. W. 20 ..	Shri Shridhar Behera, village Badagad, Bhubane- swar.	4-11-1965	4-11-1965
P. W. 21 ..	Shri Banmali Das, Class V, Student U. P. School, Unit No. 3, New Capital (Son of the Gardener attached to the Bungalow of of Shri R. N. Singh Deo, M. L. A.).	5-11-1965	5-11-1965

Serial No. of the witness (1)	Name and address of the witness (2)	Date of examination (3)	Date of discharge (4)
<b>SAMBALPUR</b>			
P. W. 22 ..	Shri Murarilal Seth, Student of V Year Commerce and Law Part I of G. M. College, Sambalpur.	16-11-1965	17-11-1965
P. W. 23 ..	Shri Sambhulal Jagatramka, Student of Burla Engineering College.	17-11-1965	17-11-1965
<b>BARGARH</b>			
P. W. 24 ..	Shri Kunjaban Patra, Assistant Teacher, Sohella. The then Student of the Basic Training School, Bargarh.	24-11-1965	25-11-1965
P. W. 25 ..	Shri Prahlad S a t p a t h y, Advocate, Bargarh.	5-12-1965	5-12-1965
P. W. 26 ..	Shri Binod Behari Sahu, Regd. Clerk of Shri Gunanidhi Das, Advocate, Bargarh.	5-12-1965	5-12-1965
P. W. 27 ..	Shri Madhusudan P a t n a i k, Student, Panchayat College, Bargarh.	5-12-1965	6-12-1965
P. W. 28 ..	Shri Basudeb Naik, Mukhtar, Bargarh.	6-12-1965	7-12-1965
P. W. 29 ..	Shri Puranmal A g r a w a l, Business Holder, Bargarh.	7-12-1965	7-12-1965
P. W. 30 ..	Shri Radhaballav M i s r a, Advocate, Bargarh.	7-12-1965	7-12-1965
<b>BHAWANIPATNA</b>			
P. W. 31 ..	Shri Susil Kumar Panda, Student, C. T. T r a i n i n g School, Bhawanipatna.	13-12-1965	13-12-1965
P. W. 32 ..	Shri Govind Chandra Rath, Student, Kalahandi Science College, Bhawanipatna.	13-12-1965	13-12-1965
P. W. 33 ..	Dr. Dasarathi Misra, Medical Practitioner. The then Assistant Surgeon, Head- quarters Hospital, Bhawani- patna.	13-12-1965	13-12-1965



## LIST OF EXHIBITS

LIST OF DOCUMENTS ADMITTED IN  
EVIDENCE FOR THE COMMISSION

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
<b>CUTTACK TOWN</b>			
C. 1 ..	Report of the Superintendent, East Hostel, Ravenshaw College, dated the 2nd October 1964 to the Principal, Ravenshaw College (Annexure 'C' to affidavit of the Principal).	27-5-1965	Without objection
C. 2 ..	Letter, dated the 6th October 1964 of Shri Manmohan Das, Student, Ravenshaw College, Boarder of East Hostel.	27-5-1965	Ditto
C. 3 ..	Spot map of Mangalabag P. S., Case Nos. 329 to 336 of 1964 submitted by the State of Orissa.	27-5-1965	Ditto
C. 4 ..	Rough sketch of the East Hostel drawn by Shri T. Misra (C. W. 1) in Court.	28-5-1965	Ditto
C. 5 ..	The letter from the Superintendent, East Hostel (C. W. 1), to the Secretary to the Commission of Enquiry regarding the names of watchmen of the Ravenshaw College.	31-5-1965	Ditto
C. 6 ..	Copy of the joint report, dated the 27th September 1964 by A. D. M., Cuttack and Superintendent of Police, Cuttack (Three sheets).	26-6-1965	Ditto
C. 6-A ..	Original joint report, dated the 27th September 1964 by A. D. M., Cuttack and the Superintendent of Police (Two sheets).	28-6-1965	Ditto
C. 6-B ..	Original joint report, dated the 27th September 1964 of the A. D. M. and S.P., Cuttack, produced by the Under-Secretary, R. D. C., Central Division (Three sheets).	28-6-1965	Ditto

Distinguish- ing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection.
(1)	(2)	(3)	(4)
C. 7 ..	The order, (2) dated the 27th September 1964 of the S. D. O., Sadar, Cuttack, promulgating orders U/s 144 Cr. P. C. within the limits of Mangalabag P. S. and Cuttack G. R. P. S. (One sheet).	28-6-1965	Without objection
C. 8	Appln. addressed to A. D. M. by Jaidui Abadin, Jamadar, O. M. P., relating to the account of tear-smoke shell used on the 26th September 1964 (One sheet).	29-6-1965	Ditto
C. 8-A ..	Appln. addressed to A. D. M. by Gulam Rasul Jamadar, I Battalion, O. M. P. relating to the account of tears smoke shell used on the 26th September 1964 (One sheet).	29-6-1965	Ditto
C. 9 ..	Lists of inventories of M. S. Law College Hostel (56 sheets, pages 8 to 63), dated the 6th October 1964 to the 10th October 1964.	1-7-1965	Ditto
C. 10 ..	List of properties taken by Shri Nabin Ch. Singh Samant from Room No. 6 of M. S. Law College Hostel, dated the 5th October 1964 (Two sheets).	1-7-1965	Ditto
C. 11 ..	F. I. R., dated the 12th October 1964 signed by Mr. Sasankadhar Das (Four sheets).	2-7-1965	Ditto
C. 12 ..	F. I. R., dated the 27th September 1964 signed by Mr. P. K. Misra, S. P., Keonjhar (Five sheets). in G. R. case No. 2129, Mangalabag P. S. case No. 331/64 in the Court of the S. D. O., Cuttack.	6-7-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 13 ..	Spot map of Chandanpadia relating to Lalbag P. S. case No. 497, dated the 14th November 1964, U/s 147/149/337/323/504 I. P. C. filed by the State Counsel (Three sheets including the index).	15-7-1965	Without objection
C. 14 ..	Copy of joint report of the A.D.M. and S.P., Cuttack, dated the 15th November 1964 in connection with the disturbing riotous mob at Chandanpadia on the 14th November 1964 filed by the State Counsel (Four sheets).	15-7-1965	Ditto
C. 14-A ..	Copy of the joint report of the A.D.M. and S.P., Cuttack, dated the 15th November 1964 in connection with the disturbing riotous mob at Chandanpadia on the 14th November 1964 submitted to the I. G. of Police produced by the State Counsel (Four sheets).	15-7-1965	Ditto
C. 15 ..	Station Diary, dated the 26th September 1964 in respect of Mr. Uma Shankar Lal, Majestic Radio Dealer, Station Bazar, Cuttack (Page No. 674707).	20-7-1965	Ditto
C. 16 ..	A booklet (In Oriya script) relating to the constitution of All-Utkal Students, Federation.	13-8-1965	Ditto
C. 17 ..	Entries in respect of Regd. Nos. 19989 to 20024 of the patients whose names were in the Out-door Casualty Register (Book No. 3) on the 29th October 1964 of S. C. B. Medical College Hospital.	23-8-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 18 ..	Injury Register relating to Mr. Sarat Chandra Jena on the 27th September 1964 of S. C. B. Medical College Hospital (Original returned after keeping a copy thereof).	24-8-1965	Without objection (Original returned after keeping a copy thereof.)
<b>BINJHARPUR</b>			
C. 19 ..	Sketch map of Binjharpur Police Station produced by the State Counsel.	25-8-1965	Without objection
C. 20 .	Joint report, dated the 2nd November 1964 by Mr. K. C. . Misra, Magistrate, 2nd Class, Jajpur and Mr. S. M. Hanif, C. I., Jajpur, on firing at Binjharpur on the 2nd November 1964 (Four sheets).	25-8-1965	Ditto
C. 21 ..	Telegram No. 0530, dated the 3rd November 1964 from Inspector, Jajpur camp, Binjharpur to the address "Orpol ck" (presumably Inspector-General of Police).	25-8-1965	Ditto
C. 22 ..	Wireless message sent by S. I. of Police to S. P., Cuttack, which was received in the Cuttack Wireless Office at 21.05 hours on the 1st November 1964.	25-8-1965	Ditto
C. 23 ..	Telegram No. 0515, dated the 3rd November 1964, from Magistrate, 2nd Class, Jajpur Camp, Binjharpur to the District Magistrate, Cuttack.	25-8-1965	Ditto
C. 24(1)	Typed copies of injury reports relating to police personnel at Binjharpur (Nine sheets), dated the 2nd November 1964, viz.— Circle Inspector, Jajpur, Mr. S. M. Hanif.	27-8-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 24(2)	Sub-Inspector of Police, Jajpur, dated the 2nd November 1964.	27-8-1965	Without objection
C. 24(3)	C/No. 1028—S. Lenka, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(4)	C/No. 23—M. Khan, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(5)	C/No. 180—D. Naik, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(6)	Naik P. C. Patnaik, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(7)	C/No. 140—Savapati Singh, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(8)	Sepoy/No. 169—J. Pasuwan, dated the 2nd November 1964.	27-8-1965	Ditto
C. 24(9)	Sepoy/No. 145—T a r i n i Tawari, dated the 2nd November 1964.	27-8-1965	Ditto
C. 25 ..	Certified copy of post-mortem report of the deceased, Sk. Gyasuddin of Binjhar-pur, dated the 3rd November 1964.	1-9-1965	Ditto
C. 26 ..	Copy of report, dated the 1st November 1964 of the Officer-in-charge, Binjhar-pur, said to have been despatched to S. D. P. O., Jajpur, regarding apprehension of trouble at Binjhar-pur on the 2nd November 1964.	1-9-1965	Ditto
C. 27 ..	Copy of the report of the A. S I. of Police, Binjhar-pur, dated the 30th September 1964, addressed to the S. D. P. O., Jajpur, regarding students' disturbance.	1-9-1965	Ditto
C. 28 ..	Entries in the Station Diary of Binjhar-pur P. S. on the 30th, 31st October and the 1st to the 3rd November 1964 (Nine sheets).	1-9-1965	Ditto

Distinguish- ing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C.29 ..	Copy of F. I. R. in Binjhar- pur Case No. 82, dated the 2nd November 1964 (G. R. No. 608/64, one sheet).	2-9-1965	Without objection
C.30 ..	Inquest report, in original, of the deceased student Sk. Gyasuddin of Binjhar- pur, dated the 2nd Novem- ber 1964.	3-9-1965	Ditto
C.31 ..	<i>Pro forma</i> order, dated the 2nd November 1964 passed by Mr. K. C. Misra, Magistrate, 2nd Class, Jaj- pur at 1-20 P.M. to apply force by Lathi and Firing to disperse the uncontrolled mob at Binjharpur P.-S. on the 2nd November 1964.	3-9-1965	Ditto
C. 31 (A)	Plain paper order; dated the 2nd November 1964 passed by Mr. K. C. Misra, Magistrate, 2nd Class, Jajpur at 1-15 P.M. to apply force by Lathi charge to disperse the uncontrolled mob at Binjharpur P.-S. on the 2nd November 1964.	3-9-1965	Ditto

## JAGATSINGHPUR

C. 32 ..	Sketch map of Jagatsinghpur P.-S. produced by the State Counsel.	7-9-1965	Without objection
C. 33 ..	Copy of joint pigeon message, dated the 30th October 1964 from the Magistrate- in-charge A. P. R. Force at Jagatsinghpur and C. I., Jagatsinghpur addressed to S. P./D. M., Cuttack.	7-9-1965	Ditto
C. 33 A.	Copy of joint report of Mr. S. N. Swain, Magistrate, 1st Class, Cuttack, c a m p Jagatsinghpur and Shri W. Ahmad, Circle Inspector	7-9-1965	Ditto

Distingui- shing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
	of Police, Jagatsinghpur over Police Firing on the 29th October 1964 at Jagatsinghpur arising out of the Students' Agitation (Six sheets).		
C. 34	.. Pigeon message, dated the 30th October 1964 in original said to have been sent to S.P./D.M., Cuttack by Mr. S. N. Swain and Mr. W. Ahmad, C. I.	7-9-1965	Without objection
C. 35	.. Entries in the Station Diary, dated the 29th September 1964 of Jagatsinghpur P. S. produced by the State Counsel (Nine sheets in two volumes).	8-9-1965	Ditto
C. 36 (1)	Injury report, dated the 30th October 1964 in original relating to Mr. S. N. Swain, Magistrate, 1st Class, Cuttack, deputed to Jagatsinghpur during students disturbances (Jagatsinghpur P. S. case No. 170, dated the 29th October 1964).	10-9-1965	Ditto
C. 36 (A)	Copy of postmortem report of the deceased (Krushna- prasad Mohanty) of Jagatsinghpur.	28-2-1966	Ditto
C. 36 (A)-1	Carbon copy of postmortem report of the deceased (Krishnaprasad Mohanty) of Jagatsinghpur.	1-3-1966	Ditto
C. 36 (2)	Injury report relating to Mr. Fakir Ch. Mohanty.	10-9-1965	Ditto
C. 36 (3)	Injury report relating to Mr. Japakrishna Mohanty, dated the 30th October 1964.	10-9-1965	Ditto

XV

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 36 (4)	Injury report relating to Mr. Nabakishore Jena, dated the 30th October 1964.	10-9-1965	Without objection
C. 36 (5)	Injury report relating to Mr. Sisir Kumar Mohapatra, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (6)	Injury report relating to Mr. Purna Ch. Behera, dated the 31st October 1964.	10-9-1965	Ditto
C. 36 (7)	Injury report relating to Mr. Padma Ch. Sahu.	10-9-1965	Ditto
C. 36 (8)	Injury report relating to Mr. Chittaranjan Pradhan, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (9)	Injury report relating to Mr. Sanatan Mohanty, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (10)	Injury report relating to Mr. P. N. Dey, dated the 3rd November 1964.	10-9-1965	Ditto
C. 36 (11)	Injury report relating to Mr. Indramani Behera, dated the 31st October 1964.	10-9-1965	Ditto
C. 36 (12)	Injury report relating to Mr. Dhaneswar Singh, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (13)	Injury report relating to Mr. N. Ch. Das, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (14)	Injury report relating to Mr. Kulamani Biswal, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (15)	Injury report relating to Mr. Kali Ch. Mallik, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (16)	Injury report relating to Mr. Baikuntha Nath Singh.	10-9-1965	Ditto



Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 36 (17)	Injury report relating to Mr. Askar Ali Khan, dated the 30th October 1964.	10-9-1965	Without objection
C. 36 (18)	Injury report relating to Mr. Natabar Mohapatra, dated the 30th October 1964.	10-9-1965	Ditto
C. 36 (19)	Injury report relating to Mr. Dhurba Ch. Rautray, dated the 30th October 1964.	10-9-1965	Ditto
C. 37. ..	Entries in the Station Diary relating to the 28th October 1964 of Jagatsinghpur P. S. (Six sheets).	13-9-1965	Ditto
C. 38. ..	Index map of Kandarpur-Machhagan Road and Jagatsinghpur-Jaipur Road showing the existing culverts and damaged culverts during Students' agitation in 1964.	15-9-1965	Ditto
C. 39 ..	Original hunger strike notice of Jagatsinghpur Students said to have been received by the Officer-in-charge of Jagatsinghpur police-station on the 3rd October 1964.	15-9-1965	Ditto
C. 40 ..	Office copy of Telegram, dated the 30th October 1964 said to have been sent to the Senior Superintendent of Post Offices, Cuttack by the Sub-Post Master, Jagatsinghpur, regarding attack of mob at Jagatsinghpur Post Office (Two sheets).	16-9-1965	Ditto
C. 41 ..	Office copy of report, dated the 29th October 1964 said to have been sent to the Officer-in-charge, Jagatsinghpur police-station by the Sub-Post Master, Jagatsinghpur, regarding attack of mob on the Post Office.	16-9-1965	Ditto

Distinguish- ing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
<b>BANKI</b>			
C. 42 ..	Spot map of Banki Court area produced by State Counsel.	20-9-1965	Without objection
C. 43 ..	Original report, dated the 29th October 1964 of Mr. L. C. Pradhan, Magistrate, First Class, Banki and Mr. M. Sahu, Circle Inspector of Police, Sadar Camp, Banki over students unrest and lawlessness at Banki addressed to D. M./S. P., Cuttack (Two sheets).	20-9-1965	Ditto
C. 44 ..	Copy of F. I. R. in Banki police-station, case No. 43 (14) 64.	20-9-1965	Ditto
C. 45 (1)	Copy of injury report, dated the 29th October 1964 of Mr. L. C. Pradhan, Magistrate, First Class and Tahsildar.	20-9-1965	Ditto
C. 45 (2)	Copy of injury report, dated the 29th October 1964 of Mr. B. Panigrahi, Additional Tahsildar.	20-9-1965	Ditto
C. 45 (3)	Copy of injury report, dated the 29th October 1964 of Mr. M. Sahu, Inspector of Police.	20-9-1965	Ditto
C. 45 (4)	Copy of injury report, dated the 29th October 1964 of S. I., Mr. C. S. Patnaik.	20-9-1965	Ditto
C. 45 (5)	Copy of injury report, dated the 29th October 1964 of Mr. K. M. Swain, Havildar, A. P. R., Cuttack.	20-9-1965	Ditto
C. 45 (6)	Copy of injury report, dated the 29th October 1964 of Mr. Bankanidhi Behera, A. P. R., Cuttack.	20-9-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 45 (7)	Injury report, dated the 30th October 1964 of Mr. S. Dehury, C/858.	20-9-1965	Without objection
C. 45 (8)	Injury report, dated the 30th October 1964 of Mr. A. Mohanty, C/817.	20-9-1965	Ditto
C. 45 (9)	Injury report, dated the 30th October 1964 of Mr. Gokulanda Lenka, C/740.	20-9-1965	Ditto
C. 45 (10)	Injury report, dated the 30th October 1964 of Mr. Sadasib Pradhan, C/1234.	20-9-1965	Ditto
C. 45 (11)	Injury report, dated the 30th October 1964 of Mr. Bhaskar Chandra Sahu, C/344.	20-9-1965	Ditto
C. 45 (12)	Injury report, dated the 30th October 1964 of Mr. Budha-dev Pradhan, C/837.	20-9-1965	Ditto
C. 45 (13)	Injury report, dated the 30th October 1964 of Mr. B. K. Rout, A. P. R., C/588.	20-9-1965	Ditto
C. 45 (14)	Injury report, dated the 30th October 1964 of Mr. Maghananda Sethi, C/131.	20-9-1965	Ditto
C. 45 (15)	Injury report, dated the 30th October 1964 of Mr. K. N. Das, C/911.	20-9-1965	Ditto
C. 45 (16)	Injury report, dated the 30th October 1964 of Mr. Manguli Charan Behera, C/302.	20-9-1965	Ditto
C. 45 (17)	Injury report, dated the 30th October 1964 of Mr. Narsingh Charan Das, C/1529.	20-9-1965	Ditto
C. 45 (18)	Injury report, dated the 30th October 1964 of Mr. Sad Munsli Ali, C/37.	20-9-1965	Ditto
C. 45 (19)	Injury report, dated the 30th October 1964 of Mr. N. K. Sahu, C/311.	20-9-1965	Ditto
C. 45 (20)	Injury report, dated the 30th October 1964 of Mr. Gadadhar Sahu, C/1287.	20-9-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 45 (21)	Injury report, dated the 30th October 1965 of Mr. K. Sabat, C/915.	20-9-1965	Without objection
C. 45 (22)	Injury report, dated the 30th October 1965 of Mr. Sudarshan Swain, C/1241.	20-9-1965	Ditto
C. 45 (23)	Injury report, dated the 30th October 1965 of Mr. Ramahari Sahu, A. P. R., Cuttack A/P.-T. G.	20-9-1965	Ditto
C. 46 ..	Report, dated the 29th October 1964 submitted by Mr. B. N. Patnaik (Judl.) Magistrate, Banki to the Regr., High Court, regarding students' unrest and lawlessness at Banki (Three sheets).	22-9-1965	Ditto
C. 47 ..	Report, dated the 31st October 1964 of Mr. M. J. Rao, A. D. M.(Judl.), Cuttack in original regarding destruction of records, furnitures etc., on the 29th October 1964 in the Court of the Judl. Magistrate, Banki by the mob (Twelve sheets).	23-9-1965	Ditto
C. 48 ..	Copy of resolution passed by the Local Bar Association, Banki, expressing their heart felt grief for the destructive activities of the mob at Banki on the 29th October 1964 produced by the witness (C. W. 22).	11-10-1965	Ditto

## BERHAMPUR

C. 49 ..	Spot map of police firing at Berhampur on the 29th October 1964 filed by the State Counsel,	16-10-1965	Ditto
C. 50 (1)	Injury report in original in respect of Mr. Ram Ch. Rath, Student.	17-10-1965	Ditto

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Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 50 (2)	Injury report in original relating to Venkata Ramana.	17-10-1965	Without objection
C. 50 (3)	Injury report in original relating to Basanta Kumar Panda.	17-10-1965	Ditto
C. 50 (4)	Injury report in original relating to Dambaru Pani-grahi.	17-10-1965	Ditto
C. 50 (5)	Injury report in original relating to Chittaranjan Sahu.	17-10-1965	Ditto
C. 50 (6)	Injury report in original relating to G. Matnus.	17-10-1965	Ditto
C. 50 (7)	Injury report in original relating to Rajaram Mohapatra.	17-10-1965	Ditto
C. 50 (8)	Injury report in original relating to Shri A. Narayan.	17-10-1965	Ditto
C. 50 (9)	Injury report in original relating to Gopal Ch. Satpathy.	17-10-1965	Ditto
C. 50 (10)	Injury report in original relating to Prafulla K. Sahu.	17-10-1965	Ditto
C. 50 (11)	Injury report in original relating to Prafulla K. Behera.	17-10-1965	Ditto
C. 50 (12)	Injury report in original relating to Shri D. Venkata Rao.	17-10-1965	Ditto
C. 50 (13)	Injury report in original relating to Parikhit Panda.	17-10-1965	Ditto
C. 50 (14)	Injury report in original relating to T. S. B. Patra.	17-10-1965	Ditto
C. 50 (15)	Injury report in original relating to R. C. Rath.	17-10-1965	Ditto
C. 50 (16)	Injury report in original relating to P. Chaudhury.	17-10-1965	Ditto
C. 50 (17)	Injury report in original relating to Nrusingha Ch. Rath.	17-10-1965	Ditto

Distinguish- ing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 50 (18)	Injury report in original relating to B. Raghunath Choudhury.	17-10-1965	Without objection
C. 50 (19)	Injury report in original relating to Niranjana Naik.	17-10-1965	Ditto
C. 50 (20)	Injury report in original relating to Mr. A. C. Dehury, S. D. O.	17-10-1965	Ditto
C. 50 (21)	Injury report in original relating to Mr. H. K. Pradhan, Magistrate.	17-10-1965	Ditto
C. 50 (22)	Injury report in original relating to Mr. B. K. Ray, I. P. S.	17-10-1965	Ditto
C. 50 (23)	Injury report in original relating to Mr. S. A. Majid, I. P. S.	17-10-1965	Ditto
C. 50 (24)	Injury report in original relating to Mr. S. Mohapatra.	17-10-1965	Ditto
C. 50 (25)	Injury report in original relating to Mr. Pitambar Tripathi.	17-10-1965	Ditto
C. 50 (26)	Injury report in original relating to Arikhita Behera.	17-10-1965	Ditto
C. 50 (27)	Injury report in original relating to N. Patnaik.	17-10-1965	Ditto
C. 50 (28)	Injury report in original relating to Prasuram Sahu.	17-10-1965	Ditto
C. 50 (29)	Injury report in original relating to Sridhar Padhan.	17-10-1965	Ditto
C. 50 (30)	Injury report in original relating to Kulu Charan Sahu.	17-10-1965	Ditto
C. 50 (31)	Injury report in original relating to Minaketna Sat- pathy.	17-10-1965	Ditto
C. 50 (32)	Injury report in original relating to Trinath Behera.	17-10-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 50 (33)	Injury report in original relating to P. S. Reddy.	17-10-1965	Without objection
C. 50 (34)	Injury report in original relating to Raghu Nath Naik.	17-10-1965	Ditto
C. 50 (35)	Injury report in original relating to Jagabandhu Naik.	17-10-1965	Ditto
C. 50 (36)	Injury report in original relating to Udayanath Gouda.	17-10-1965	Ditto
C. 50 (37)	Injury report in original relating to Haris Chandra Patnaik.	17-10-1965	Ditto
C. 50 (38)	Injury report in original relating to Somanath Behera.	17-10-1965	Ditto
C. 50 (39)	Injury report in original relating to Hadu Barik.	17-10-1965	Ditto
C. 50 (40)	Injury report in original relating to Raghunath Panda.	17-10-1965	Ditto
C. 50 (41)	Injury report in original relating to Gauranga Behera.	17-10-1965	Ditto
C. 50 (42)	Injury report in original relating to M. N. Rao.	17-10-1965	Ditto
C. 50 (43)	Injury report in original relating to Antrajami Misra.	17-10-1965	Ditto
C. 50 (44)	Injury report in original relating to Gadadhar Jena.	17-10-1965	Ditto
C. 50 (45)	Injury report in original relating to S. S. Rout.	17-10-1965	Ditto
C. 50 (46)	Injury report in original relating to Trinath Behera.	17-10-1965	Ditto
C. 50 (47)	Injury report in original relating to P. N. Sahu.	17-10-1965	Ditto
C. 50 (48)	Injury report in original relating to Uchhab Behera.	17-10-1965	Ditto
C. 50 (49)	Injury report in original relating to Bhagaban Sahu.	17-10-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 50(50)	Injury report in original relating to Khadala Behera.	17-10-1965	Without objection
C. 50 (51)	Injury report in original relating to M. Kanaraju.	17-10-1965	Ditto
C. 50 (52)	Injury report in original relating to Govind Pradhan.	17-10-1965	Ditto
C. 50 (53)	Injury report in original relating to Debaraj Patnaik.	17-10-1965	Ditto
C. 50 (54)	Injury report in original relating to B. Mohapatra.	17-10-1965	Ditto
C. 50 (55)	Injury report in original relating to Trinath Sarangi.	17-10-1965	Ditto
C. 50 (56)	Injury report in original relating to B. N. Pani.	17-10-1965	Ditto
C. 50 (57)	Injury report in original relating to Niranjan Panigrahi.	17-10-1965	Ditto
C. 50 (58)	Injury report in original relating to Mohan Naik.	17-10-1965	Ditto
C. 50 (59)	Injury report in original relating to Tarini Sahu.	17-10-1965	Ditto
C. 50 (60)	Injury report in original relating to B h a s k a r Mohanty.	17-10-1965	Ditto
C. 50 (61)	Injury report in original relating to Niranjan Parichha.	17-10-1965	Ditto
C. 50 (62)	Injury report in original relating to Ranganath Rout.	17-10-1965	Ditto
C. 50 (63)	Injury report in original relating to Mohan Sasamal,	17-10-1965	Ditto
C. 50 (64)	Injury report in original relating to P. N. Pradhan.	17-10-1965	Ditto
C. 50 (65)	Injury report in original relating to Parasuram Behera.	17-10-1965	Ditto
C. 50 (66)	Injury report in original relating to Bachha Bisoi.	17-10-1965	Ditto
C. 51 ..	Copy of postmortem report relating to the deceased Basanta Kumar Acharya.	17-10-1965	Ditto



Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 51 (A)	Carbon copy of the post-mortem report of the deceased (Basant Kumar Acharya).	18-3-1966	Without objection
C. 52 ..	Joint report of {Mr. A. C. Dehury, S. D. O. and Mr. P. Tripathy, C. I., Police, Berhampur over Police over firing on the 29th October 1964 at Berhampur (Six sheets).	18-10-1965	Ditto
C. 53 ..	The entire record (No. M. C. 230 of 1964) on the file of S. D. O. and Magistrate, First Class, Berhampur, regarding promulgation of order under section 144, Criminal Procedure Code (Thirteen sheets).	18-10-1965	Ditto
C. 54 ..	Original Radio Message said to have been sent to the Home Minister, Chief Secretary, Home Secretary and I.-G. of Police regarding students unrest promulgation of orders under section 144, Criminal Procedure Code and the firing resorted to by the police at Berhampur (four sheets).	18-10-1965	Ditto
C. 55 (A)	Piece of paper containing order dated, the 29th October 1964 of Mr. A. C. Dehury to disperse the mob.	18-10-1965	Ditto
C. 55 (B-1)	Piece of paper containing order, dated the 29th October 1964 of Mr. A. C. Dehury to the effect "Use tear gas and Charge Lathi".	18-10-1965	Ditto
C. 55 (B-2)	The same piece of paper containing order, dated the 20th October 1964 of Mr. A. C. Dehury to the effect "Fire".	18-10-1965	Ditto

# XXV

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 55 (C)	Piece of paper containing the order, dated the 29th October 1964, of Mr. A. C. Dehury, to the effect "Situation uncontrolled—Fire".	18-10-1965	Without objection
C. 56 ..	Spot map of Police firing, at Berhampur on the 29th October 1965, relating to Barracks Parade Ground area, filed by the State Counsel.	26-10-1965	Ditto
C. 57 ..	Copy of F. I. R. signed Mr. H. K. Pradhan, Magistrate I Class, relating to the declaration of the mob as unlawful and charge of Lathi by the Police, on the 29th October 1964, at Berhampur.	26-10-1965	Ditto
C. 58 ..	Copy of F. I. R. signed by Mr. H. K. Pradhan, Magistrate I Class, relating to the opening of fire near Tata Mercedes Benz Service Centre on the 29th October 1964.	26-10-1965	Ditto
C. 59 ..	Copy of joint report said to have been sent to the S D O by Mr. H. K. Pradhan, Magistrate I Class and Mr P. Tripathy C. I. of Police under the provisions of the Police Manual (Five sheets).	26-10-1965	Ditto
C. 60 ..	Receipt, dated the 30th October 1964, granted by Mr. R. C. Acharyya, regarding the receipt of the dead body of Late Basant Kumar Acharyya, filed by the State Counsel.	27-10-1965	Ditto
C. 61 ..	Photograph of the deceased student Mr. Basant Kumar Acharyya, filed by his father Mr. S. N. Acharyya (P. W. 17).	27-10-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 62 ..	Petition, dated the 31st March 1965 of Mr. G. Devadas of Berhampur, regarding Police excess (Two sheets).	27-10-1965	Without objection
C. 63 ..	Petition (in Oriya), dated the 27th October 1965 of Mr. Narayan Naik of Berhampur along with the report of the Secretary Student Agitation Enquiry Commission enclosed thereto (Two sheets).	30-10-1965	Ditto

## BHUBANESWAR

C. 64 (1)	Photograph relating to the scene of the mob in front of S. D. O. 's Office at Bhubaneswar (Marked as 'A').	1-11-1965	Ditto
C. 64 (2)	Photograph relating to the scene of the mob near the S. D. O.'s Court Compound (Marked as 'A'-1).	1-11-1965	Ditto
C. 64 (3)	Photograph relating scene of the road in front of capital P. S. (Marked as 'B').	1-11-1965	Ditto
C. 64 (4)	Photograph relating a scene showing stones and brick-bats lying in front of capital P. S. (Marked as "B"-1).	1-11-1965	Ditto
C. 64 (5)	Photograph relating a scene showing stones and brick-bats on the stretch of road in front of capital P. S. extending towards west (marked as "B"-2).	1-11-1965	Ditto
C. 64 (6)	Photograph relating a scene showing stones and brick-bats on the road in front of P. S. towards Rajmahal Chack (marked as "B").		

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Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 64 (7)	Photograph relating a scene showing burnt motor car in the furniture factory (marked as "C").	1-11-1965	Without objection
C. 64 (8)	Photograph relating a scene showing burnt factory (marked as "C"-1).	1-11-1965	Ditto
C. 64 (9)	Photograph relating a scene showing burnt factory (marked as "C"-2).	1-11-1965	Ditto
C. 64 (10)	Photograph relating a scene showing damaged 'Delux' Building of Mr. Satyapriya Mohanty (marked as "D").	1-11-1965	Ditto
C. 64 (11)	Photograph relating a scene showing damaged portion of 'Delux' (Mr. S. Mohanty) Building (marked as "D"-1).	1-11-1965	Ditto
C. 65	Spot map relating to Police firing at Bhubaneswar on the 28th October 1964, filed by the State Counsel.	1-11-1965	Ditto
C. 66 (1)	A piece of paper containing an order of the S. D. O., Bhubaneswar, dated the 28th October 1964, addressed to Jamadar O.M.P. to use lathi and teargas smoke to disperse the uncontrolled mob in front of S. D. O.'s Office on the 28th October 1964 at 11 A. M.	1-11-1965	Ditto
C. 66 (2)	A piece of paper containing an order of the S. D. O., Bhubaneswar, dated the 28th October 1964 at 3-30 P.M. to disperse the uncontrolled mob by use of tears smoke and lathi from the West of Capital P.-S.	1-11-1965	Ditto

Dis- tin- guish- ing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 66 (3)	A piece of paper containing an order of the S. D. O., Bhubaneswar, dated the 28th October 1964 at 3-40 P.M. to disperse the uncontrolled mob from the North-East of capital P.-S. by use of tear smoke and lathi.	1-11-1965	Without objection
C. 66 (4)	A piece of paper containing an order of the I Class Magistrate (Mr. S. Das), dated the 28th October 1964 at 4 P. M. addressed to Havildar Major, O.M.P. to disperse the uncontrolled mob by use of tear smoke from capital P.-S.	1-11-1965	Ditto
C. 66 (5)	A piece of paper containing an order of the I Class Magistrate (Mr. S. Das), dated the 28th October 1964 at 4-30 P. M. addressed to Havildar Major to disperse the uncontrolled mob by Firing from capital P.-S.	1-11-1965	Ditto
C. 66 (6)	A piece of paper containing an order of the S. D. O. (Mr. R. K. Sahu), dated the 28th October 1964 at 4-30 P. M. to disperse the uncontrolled mob from capital P.-S. by use of Firing.	1-11-1965	Ditto
C. 67	Copy of the joint report, dated the 29th October 1964 from Mr. Ranjan Ray, S. D. P. O. and Mr. R. K. Sahu, S. D. O., Bhubaneswar, said to have been sent Collector/S. P., Puri, under the provisions of the Police Manual (Two sheets).	1-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 67 (A)	Original joint report said to have been received by the Collector as sent by the S. D. O. and the S. D. P. O., under the provisions of Police Manual (Two sheets).	2-11-1965	Without objection
C. 67 (B)	Original joint report said to have been received by the Superintendent of Police as sent by the S. D. O. and the S. D. P. O., Bhubaneswar under the provisions of Police Manual (Two sheets).	2-11-1965	Ditto
C. 68 (1)	Original injury report relating to the incident at Bhubaneswar, viz:— Mr. A ..	2-11-1965	Ditto
C. 68 (2)	Mr. B ..	2-11-1965	Ditto
C. 68 (3)	Mr. C ..	2-11-1965	Ditto
C. 68 (4)	Mr. D ..	2-11-1965	Ditto
C. 68 (5)	Mr. E ..	2-11-1965	Ditto
C. 68 (6)	Mr. F ..	2-11-1965	Ditto
C. 68 (7)	Mr. G ..	2-11-1965	Ditto
C. 68 (8)	Mr. H ..	2-11-1965	Ditto
C. 68 (9)	Mr. I ..	2-11-1965	Ditto
C. 68(10)	Mr. J ..	2-11-1965	Ditto
C. 68(11)	Injury report of Mr. N. K. Guman Singh.	2-11-1965	Ditto
C. 68(12)	Mr. Bhagaban Mallik ..	2-11-1965	Ditto
C. 68(13)	Mr. Kumar Rana ..	2-11-1965	Ditto
C. 68(14)	Mr. Bipin Mallik ..	2-11-1965	Ditto
C. 68(15)	Mr. Bhagirathi Singh ..	2-11-1965	Ditto
C. 68(16)	Mr. Narasinghalu ..	2-11-1965	Ditto
C. 68(17)	Mr. Panchu Khan ..	2-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 68 (18)	Mr. R. K. Sahu	.. 2-11-1965	Without objection
C. 68 (19)	Mr. P. C. Chand	.. 2-11-1965	Ditto
C. 68 (20)	Mr. D. Chotray, I. P. S.	.. 2-11-1965	Ditto
C. 68 (21)	Mr. R. Roy, I. P. S.	.. 2-11-1965	Ditto
C. 68 (22)	Mr. R. N. Panda	.. 2-11-1965	Ditto
C. 68 (23)	Mr. S. K. Roy, S. I.	.. 2-11-1965	Ditto
C. 68 (24)	Mr. B. C. Patra	.. 2-11-1965	Ditto
C. 68 (25)	Mr. L. N. Padhi	.. 2-11-1965	Ditto
C. 68 (26)	Mr. C. M. Mohanty	.. 2-11-1965	Ditto
C. 68 (27)	Mr. Maheswar Das	.. 2-11-1965	Ditto
C. 68 (28)	Mr. S. K. Sultan	.. 2-11-1965	Ditto
C. 68 (29)	Mr. S. N. Patnaik	.. 2-11-1965	Ditto
C. 68 (30)	Mr. Abdul Rahman	.. 2-11-1965	Ditto
C. 68 (31)	Mr. S. K. Gouda	.. 2-11-1965	Ditto
C. 68 (32)	Mr. Nabaghan Misra	.. 2-11-1965	Ditto
C. 68 (33)	Mr. D h r u b a C h a r a n Mohanty.	.. 2-11-1965	Ditto
C. 68 (34)	Mr. Said Abdul	.. 2-11-1965	Ditto
C. 68 (35)	Mr. D. N. Biswal	.. 2-11-1965	Ditto
C. 68 (36)	Mr. S. B. Reddy	.. 2-11-1965	Ditto
C. 68 (37)	Mr. K. Ch. Satpathy	.. 2-11-1965	Ditto
C. 68 (38)	Mr. Jati Moharana	.. 2-11-1965	Ditto
C. 68 (39)	Mr. Banaktulla Khan	.. 2-11-1965	Ditto
C. 68 (40)	Mr. M. Mohammad	.. 2-11-1965	Ditto
C. 68 (41)	Mr. Duriodhan Das	.. 2-11-1965	Ditto
C. 68 (42)	Mr. Dibakar Sahu	.. 2-11-1965	Ditto
C. 68 (43)	Mr. Gundichi Naik	.. 2-11-1965	Ditto
C. 68 (44)	Mr. B. K. Das	.. 2-11-1965	Ditto
C. 68 (45)	Mr. A. C. Pradhan	.. 2-11-1965	Ditto
C. 68 (46)	Mr. Gadadhar Sahu	.. 2-11-1965	Ditto
C. 68 (47)	Mr. Harekrishna Subudhi	2-11-1965	Ditto

Distingui- shing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 68 (48)	Mr. Banshidhar Mallik ..	2-11-1965	Without objection
C. 68 (49)	Mr. Karunakar Sahu ..	2-11-1965	Ditto
C. 68 (50)	Mr. Siddheswar Patnaik ..	2-11-1965	Ditto
C. 68 (51)	Mr. Bauribandhu Panda ..	2-11-1965	Ditto
C. 68 (52)	Mr. Kaiblya Martha ..	2-11-1965	Ditto
C. 68 (53)	Mr. B. N. Mallik ..	2-11-1965	Ditto
C. 68 (54)	Mr. S. H. Khan ..	2-11-1965	Ditto
C. 68 (55)	Mr. Ram Ch. Samantaray ..	2-11-1965	Ditto
C. 68 (56)	Mr. Sudam Mukhi ..	2-11-1965	Ditto
C. 68 (57)	Mr. Suresh Ch. Mohanty ..	2-11-1965	Ditto
C. 68 (58)	Mr. Dukhishyam Naik ..	2-11-1965	Ditto
C. 68 (59)	Mr. G. R. Kahma (Kahara) ..	2-11-1965	Ditto
C. 68 (60)	Mr. Udayanath Danta ..	2-11-1965	Ditto
C. 68 (61)	Injury report relating to Mr. Sankarsan Pujari.	2-11-1965	Ditto
C. 68 (62)	Mr. Nanda Kishore Behera ..	2-11-1965	Ditto
C. 68 (63)	Mr. Antarjami Naik ..	2-11-1965	Ditto
C. 68 (64)	Mr. Krutibas Pradhan ..	2-11-1965	Ditto
C. 68 (65)	Mr. S. Margulu Reddy ..	2-11-1965	Ditto
C. 68 (66)	Mr. Lokanath Mohanty ..	2-11-1965	Ditto
C. 68 (67)	Mr. Jaganath Samal ..	2-11-1965	Ditto
C. 68 (68)	Mr. Kasinath Patra ..	2-11-1965	Ditto
C. 68 (69)	Mr. Sanatan Das ..	2-11-1965	Ditto
C. 68 (70)	Mr. Phagu Mohanty ..	2-11-1965	Ditto
C. 68 (71)	Mr. Saffudin Khan ..	2-11-1965	Ditto
C. 68 (72)	Mr. Gaurahari Patra ..	2-11-1965	Ditto
C. 68 (73)	Mr. B. Moharana ..	2-11-1965	Ditto
C. 68 (74)	Mr. Nanda Kishore Goud ..	2-11-1965	Ditto
C. 68 (75)	Mr. P. N. Jena ..	2-11-1965	Ditto
C. 68 (76)	Mr. D. R. Khillar ..	2-11-1965	Ditto
C. 68 (77)	Mr. Brundaban Sabat ..	2-11-1965	Ditto



Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 68 (78)	Mr. Artatran Behera ..	2-11-1965	Without objection
C. 68 (79)	Mr. B. K. Mohapatra ..	2-11-1965	Ditto
C. 68 (80)	Mr. Abhimanyu Jena ..	2-11-1965	Ditto
C. 68 (81)	Mr. Govinda Sethi ..	2-11-1965	Ditto
C. 68 (82)	Mr. Chandramoni Misra ..	2-11-1965	Ditto
C. 68 (83)	Mr. Banchhanidhi Goud ..	2-11-1965	Ditto
C. 68 (84)	Mr. Sarbeswar Sahu ..	2-11-1965	Ditto
C. 68 (85)	Mr. Kasinath Naik ..	2-11-1965	Ditto
C. 68 (86)	Mr. M. A. Khan ..	2-11-1965	Ditto
C. 68 (87)	Mr. Akrura Charan Sahu ..	2-11-1965	Ditto
C. 68 (88)	Mr. Jadumani Naik ..	2-11-1965	Ditto
C. 68 (89)	Mr. Banamali Das ..	2-11-1965	Ditto
C. 68 (90)	Mr. Dibakar Rath ..	2-11-1965	Ditto
C. 68 (91)	Mr. V. Raghava Rao ..	2-11-1965	Ditto
C. 68 (92)	Mr. Balaram Majhi ..	2-11-1965	Ditto
C. 68 (93)	Injury report relating to Mr. Bausidhar Behera.	2-11-1965	Ditto
C. 68 (94)	Mr. Baman Charan Khatua ..	2-11-1965	Ditto
C. 68 (95)	Mr. Umesh Ch. Mohanty ..	2-11-1965	Ditto
C. 68 (96)	Mr. M. Biswanath ..	2-11-1965	Ditto
C. 68 (97)	Mr. Sachidananda M o h a - patra.	2-11-1965	Ditto
C. 68 (98)	Mr. Purohit Biswal ..	2-11-1965	Ditto
C. 68 (99)	Mr. Lakshmidhar Patnaik ..	2-11-1965	Ditto
C. 68 (100)	Mr. Krushna Barisal ..	2-11-1965	Ditto
C. 68 (101)	Mr. Brundaban Naik ..	2-11-1965	Ditto
C. 69 (1)	Copy of Order U/s 144 Cr. P. C. issued by Mr. R. K. Sahu, S. D. O., Bhubanes- war on the 27th October 1964 promulgated in the whole of capital P.-S. area.	2-11-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
C. 69 (2)	Copy of order U/s 144 Cr. P. C. issued by Mr. R. K. Sahu, S. D. O., Bhubaneswar, on the 23rd October 1964 (presumably a mistake for the 28th October 1964), promulgated in the Bhubaneswar areas mentioned therein.	2-11-1965	Without objection
C. 70	Photographs relating to the scene of.	2-11-1965	Ditto
C. 70 (1)	The mob in front of S. D. O's Office at Bhubaneswar (Marked as "A").	2-11-1965	Ditto
C. 70 (2)	The mob near the S. D. O's Court compound (marked as A-1).	2-11-1965	Ditto
C. 70 (3)	The road in front of Capital P.-S. (Marked as "B").	2-11-1965	Ditto
C. 70 (4)	Stones and Brickbats lying in front of Capital P.-S. (marked as B-1).	2-11-1965	Ditto
C. 70 (5)	Stones and Brickbats on the stretch of road in front of Capital P.-S. extending towards West (marked as B-2).	2-11-1965	Ditto
C. 70 (6)	Stones and Brickbats on the road in front of P.-S. towards Rajmahal Chack (marked as B-3)	2-11-1965	Ditto
C. 70 (7)	Photograph relating to the scene of — Burnt Motor Car in the Furniture Factory (marked as 'C').	2-11-1965	Ditto
C. 70 (8)	Burnt furniture Factory (marked as C-1).	2-11-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 70 (9)	Burnt furniture Factory (marked as C-2).	2-11-1965	Without objection
C. 70 (10)	Damaged "Delux" building of Mr. Satyapriya Mohanty (marked as D).	2-11-1965	Ditto
C. 70 (11)	Damaged portion of "Delux" building of Mr. Satyapriya Mohanty (marked as D-1).	2-11-1965	Ditto
C. 71 (1) to (12)	Copies of F. I. R's relating to Capital P.-S. cases Nos. 341 to 351 and 363 of 1964:—	3-11-1965	Ditto

Distinguishing mark or number	P.-S. case No.	Name of the informant	Date of Recording of F. I. R.	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)	(5)	(6)
C. 71 (1)	341/64	Mr. R. K. Sahu, S. D. O. . .	28-10-1964	3-11-1965	Without objection.
C. 71 (2)	342/64	Mr. S. Das, Mag. I class . .	28-10-1964	3-11-1965	Ditto
C. 71 (4)	344/64	Mr. Guru Charan Singh, 'Delux' Cleaning shop.	28-10-1964	3-11-1965	Ditto
C. 71 (5)	345/64	Mr. Harihar Sahu, Bhubaneswar.	28-10-1964	3-11-1965	Ditto
C. 71 (3)	343/64	Mr. R. K. Sahu, S. D. O. . .	28-10-1964	3-11-1965	Ditto
C. 71 (6)	346/64	Sk. Mahebuza Ali, New Capital.	28-10-1964	3-11-1965	Ditto
C. 71 (7)	347/64	Mr. M. Darvish, Qr. 2/1, U. No. 4, Bhouma Nagar, New Capital.	28-10-1964	3-11-1965	Ditto
C. 71 (8)	348/64	Mr. Sila Hallika tjun, Lakshmibhandar, Puri Road, New Capital.	29-10-1964	3-11-1965	Ditto
C. 71 (9)	449/64	Mr. Ved Prakash, CTC, BBS. Road, New Capital.	29-10-1964	3-11-1965	Ditto
C. 71 (10)	450/64	Mr. R. K. Ghose, I.A.S. . .	29-10-1964	3-11-1965	Ditto
C. 71 (11)	451/64	Mr. P. K. Nanda, Kalinga Automobiles.	29-10-1964	3-11-1965	Ditto
C. 71 (12)	363/64	Mr. Abdul Ohid Khan, Havildar, Chief Minister's Guard Room.	7-11-1964	3-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
<b>SAMBALPUR</b>			
C. 72	Spot map of S a m b a l p u r Court area.	15-11-1965	Without objection
C. 73	Sambalpur College building spot map.	15-11-1965	Ditto
C. 74	Original wireless message, dated the 24th October 1964 said to have been sent to the Chief Secretary, H o m e S e c r e t a r y, Bhubaneswar/I.-G. Police, Cuttack by the witness (Two sheets).	15-11-1965	Ditto
C. 74(A)	A post copy of the wireless message, dated the 24th October 1964, in confirma- tion said to have been sent to the Chief Secretary, H o m e S e c r e t a r y, Bhubaneswar/I.-G. Police, Cuttack by the witness (Two sheets).	15-11-1965	Ditto
C. 75	Injury reports, in original, relating to Sambalpur incidents in respect of :—	15-11-1965	Ditto
C. 75 (1)	M.I. Abdul Mallick ..	15-11-1965	Ditto
C. 75 (2)	Mr. Tribikram Tripathy ..	15-11-1965	Ditto
C. 75 (3)	Mr. P. N. Misra, D.S.I. ..	15-11-1965	Ditto
C. 75 (4)	Mr. Rav Rajaram Behera ..	15-11-1965	Ditto
C. 75 (5)	Mr. Rav Padmanav Patra ..	15-11-1965	Ditto
C. 75 (6)	Mr. Driver Rev Biseswar Sahu	15-11-1965	Ditto
C. 75 (7)	C/92 Mr. P. Patra ..	15-11-1965	Ditto
C. 75 (8)	C/325 Mr. Niranjana Kuar ..	15-11-1965	Ditto
C. 75 (9)	C/335 Mr. Krushna Chandra Meher.	15-11-1965	Ditto
C. 75(10)	C/861 Mr. Purna Ch. Dora ..	15-11-1965	Ditto
C. 75(11)	C/891 Mr. S. K. Panigrahi ..	15-11-1965	Ditto
C. 75(12)	C/931 Mr. K. Sriram Reddy ..	15-11-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 75(13)	C/973 Mr. L. Bhoi ..	15-11-1965	Without objection
C. 75(14)	C/993 Mr. Suresh Chandra Pradhan.	15-11-1965	Ditto
C. 75(15)	C/1058 Mr. Ratnakar Sahu ..	15-11-1965	Ditto
C. 75(16)	C/1208 Mr. B. Tripathi ..	15-11-1965	Ditto
C. 75(17)	Mr. Pratap Chandra Patnaik S. I.	15-11-1965	Ditto
C. 75(18)	Mr. Sachindra Kumar Naik, S. I.	15-11-1965	Ditto

## BARGARH

C. 76	Spot map relating to Bargarh Court area.	19-11-1965	Ditto
C. 76(A)	Spot map relating to Bargarh Town.	20-11-1965	Ditto
C. 77	D. O. Letter No. 333/con., dated the 26th October 1964 regarding Bargarh students movement said to have been sent to the Collector by the S. D. O., Bargarh (Three sheets).	20-11-1965	Ditto
C. 78	D. O. Letter No. 341/con., dated the 27th October 1964 regarding the movement of students of Bargarh said to have been sent to the aforesaid authorities by the S. D. O. (Two sheets).	20-11-1965	Ditto
C. 79	D. O. Letter No. 343/con., dated the 28th October 1964 regarding students movement of Bargarh said to have been sent to the Collector by the S. D. O. (Five sheets).	20-11-1965	Ditto

Distin- guishing mark or number (1)	Description on document and date (2)	Date of admission (3)	Whether admitted after or without objection (4)
C. 80	(Secret) special report relating to Magisterial Order of Teargas and Lathi Charge on the unlawful assemblies of Bargarh on the 29th October 1964 said to have been signed by the D. S. P., Sambalpur and S. D. O., Sub-Collector, Bargarh, on the 29th October 1964 and sent to the Collector, Sambalpur (F o u r t e e n sheets).	20-11-1965	Without objection
C. 81	Unsigned Memorandum of the students of Bargarh, addressed to the Government of Orissa through the Sub-Collector, Bargarh.	20-11-1965	Ditto
C. 81(A)	Signature of the witness (Mr. S. K. Lal) on the top left corner of the said Memorandum said to have been received by him on the 29th October 1964.	20-11-1965	Ditto
C. 82	Original office copy of the joint radio message No. 2530/Res., dated the 19th October 1964 said to have been sent by the Collector and S. P., Sambalpur on the 29th October 1964 to the Home Minister/Home Secretary/Chief Secretary/I.-G. of Police (Two sheets).	20-11-1965	Ditto
C. 82(A)	Signature of the Collector .. and	20-11-1965	Ditto
C. 82(A)1	Signature of the Superintendent of Police, Sambalpur respectively on the aforesaid wireless message.	20-11-1965	Ditto
C. 83	Original petition, dated the 25th October 1964 of Mr. Madhusudan Patnaik of Panchayat College, Bargarh, addressed to the Incharge Police Officer, Bargarh for taking out a procession (Two sheets).	20-11-1965	Ditto

Dis- tin- guish- ing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 84	Original letter No. 327, dated the 29th October 1964, from the Head Master, Basic Training School to the S. D.O., Bargarh regarding the arrest of the trainees of his institution.	21-11-1965	Without objection
C. 85(1)	Original injury report relating to Shri Hemanta Kumar Naik.	22-11-1965	Ditto
C. 85(2)	Original injury report relating to Shri Mrutunjoy Panda.	22-11-1965	Ditto
C. 85(3)	Original injury report relating to Shri Rathindra Kumar Acharjya.	22-11-1965	Ditto
C. 85(4)	Original injury report relating to Shri Tribikram Dora.	22-11-1965	Ditto
C. 85(5)	Original injury report relating to Shri Swadesh Kumar Das.	22-11-1965	Ditto
C. 85(6)	Original injury report relating to Shri Padma Lochan Panda.	22-11-1965	Ditto
C. 85(7)	Original injury report relating to Shri Ramkrishna Hota.	22-11-1965	Ditto
C. 85(8)	Original injury report relating to Shri Mukteswar Das.	22-11-1965	Ditto
C. 85(9)	Original injury report relating to Shri Shyamsunder Chauria.	22-11-1965	Ditto
	Copy of injury report relating to—		
C. 85(10)	Shri Debaraj Naik	23-11-1965	Ditto
C. 85(11)	Shri Arjun Meher	23-11-1965	Ditto
C. 85(12)	Shri Kunja Behari Pati	23-11-1965	Ditto
C. 85(13)	Shri D. B. Dora	23-11-1965	Ditto
C. 85(14)	Shri D. B. Chhitri	23-11-1965	Ditto
C. 85(15)	Shri Gajraj Pradhan	23-11-1965	Ditto
C. 85(16)	Shri Gopal Gour	23-11-1965	Ditto
C. 85(17)	Shri Nabin Kishore Pujari	23-11-1965	Ditto
C. 85(18)	Shri L. B. Thapa	23-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
	Copy of injury report relating to—		
C. 85(19)	Shri Upendra Bhoi ..	23-11-1965	Without objection
C. 85(20)	Shri Premraj Pati ..	23-11-1965	Ditto
C. 85(21)	Shri Nandalal Agarwala ..	23-11-1965	Ditto
C. 85(22)	Shri Gajapati Sahu ..	23-11-1965	Ditto
C. 85(23)	Shri T. V. Thapa ..	23-11-1965	Ditto
C. 85(24)	Shri T. B. Pend ..	23-11-1965	Ditto
C. 85(25)	Shri G. S. Thapa ..	23-11-1965	Ditto
C. 85(26)	Shri P. B. Guru ..	23-11-1965	Ditto
C. 85(27)	Shri N. B. Chhetri ..	23-11-1965	Ditto
C. 85(28)	Shri T. B. Chhetri ..	23-11-1965	Ditto
C. 85(29)	Shri Narayan Mehera ..	23-11-1965	Ditto
C. 85(30)	Shri Sagua Bhoi ..	23-11-1965	Ditto
C. 85(30)A	Shri Sagua Barik ..	24-11-1965	Ditto
C. 85(31)	Shri Kanhu Jibari ..	23-11-1965	Ditto
C. 85(32)	Shri Dinabandhu Kar ..	23-11-1965	Ditto
C. 85(33)	Shri O. M. Bahadur Rana ..	23-11-1965	Ditto
C. 85(34)	Shri Antrajami Gurnayak ..	23-11-1965	Ditto
C. 85(35)	Shri Mohan Bahadur ..	23-11-1965	Ditto
C. 85(36)	Shri Khargo Bahadur Tewary ..	23-11-1965	Ditto
C. 86	Sketch map drawn by the witness (Mr. S. K. Lal) in Court regarding movement of Shri P. L. Panda at the time when Mr. Panda received injury.	22-11-1965	Ditto
C. 87	Original memorandum, dated the 26th October 1964 of the students of Panchayat College, Bargarh, addressed to the Government of Orissa (through the S.D. O., Bargarh).	23-11-1965	Ditto
C. 88(1)	Copies of letters Nos. 10 and 11, dated the 24th November 1965 from the Standing Counsel to the Principal, Bargarh College. (Two sheets).	5-12-1965	Ditto



Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 88(2)	Original letter No. 1090, dated the 24th November 1965 from the Principal, Bargarh College to the Standing Counsel together with the invitations and the acknowledgement and receipts in original of the guardians regarding holding of emergent meeting of the Governing Body of the College on the 27th October 1964 to discuss about the students strike at Bargarh (Forty sheets).	5-12-1965	Without objection
C. 88(3)	Original Minute Book of the Governing Body of Bargarh College containing the proceedings of the emergent meeting held on the 27th October 1964 relating to the formation of guardians Action Committee (Original returned after keeping a true copy thereof).	5-12-1965	Ditto
C. 88(4)	Office copy of letter No. 1091, dated the 24th November 1965 from the Principal, Bargarh College to the Standing Counsel with its enclosures in original regarding the correspondence made between the Principal and Bargarh College Students (Three sheets).	5-12-1965	Ditto
C 83(4)-1	Office copy of letter No. 622, dated the 28th October 1964 from the Principal I/C to Shri Rasananda Mohanty, Bargarh, regarding illegality of constituting a "Action Committee" in B a r g a r h College (One sheet).	6-12-1965	Ditto

Dis- tin- guish- ing mark or number	Description on document and date	Date of admission	Whether admitted, after or without objection
(1)	(2)	(3)	(4)
C. 88(4)-2	Intimation in original of Shri Rajendra Prasad Das and five others addressed to the Advisor, Panchayet College, Bargarh regarding election of Shri M. S. Patnaik as the President of Bargarh College Union to act as such during the absence of the Union President, Shri Jagadish Prasad Kuanar.	6-12-1965	Without objection
C. 88(4)-3	Original memorandum of Shri M. S. Patnaik and two others addressed to the Government of Orissa (Through the Sub-Collector, Bargarh), regarding the continuance of strike until their demands were fulfilled.	6-12-1965	Ditto
C. 88(4)-4	Signature of Shri M. S. Patnaik on the memorandum referred to above [ Ex-C/88(4)-3 ].	6-12-1965	Ditto
C. 88(4)-5	Original application, dated the 28th October 1964 of Shri M. S. Patnaik addressed to the Principal, Bargarh College for permission to launch the students strike.	6-12-1965	Ditto
C. 88(4)-6	Original note, dated the 25th October 1964 containing resolutions passed in the students meeting regarding the made up students agitation at Bargarh.	6-12-1965	Ditto
C. 88 (4)-7	Original letter, dated the 28th October 1964 of the Advisor to Panchayat College Union to the Principal, Panchayat College, Bargarh containing his views regarding election of Mr. M. S. Patnaik as the President of the College Union.	6-12-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 88 (4)-8	Original application, dated the 27th October 1964 of Bargarh College Students addressed to the Principal intimating the constiution of the "Action Committee" of which Mr. Rasananda Mohanty and others were elected temporarily as office bearers.	6-12-1965	Without obiection
C. 88 (4)-9	Signature of Mr. M. S. Patnaik in the aforesaid application [Ex-C/88 (4)-8].	6-12-1965	Ditto
C. 88(4)-10	Endorsements of the Principal, dated the 26th October 1964 disapproving of the suggestion of the students and declining to recognise the proposed organisation as indicated in Ex-C/88 (4)-8.	6-12-1965	Ditto
C. 89	Signature of Mr. M. S. Patnaik on his application addressed to the Incharge Officer, Police-Station, Bargarh for acc o r d i n g permission to start the students procession.	6-12-1965	Ditto
C. 90	Form of undertaking, dated the 16th June 1965 duly signed by Shri M. S. Patnaik and his local guardian to the effect that he would abide by the rules of the College and the Hostel attached thereto.	6-12-1965	Ditto

## BHAWANIPATNA

C. 91	Spot map relating to police firing on the 29th October 1964 at Bhawanipatna.	9-12-1965	Without objection
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Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 92	Copy of radio message No. 818 (5), dated the 29th October 1964 from the District Magistrate, Kalahandi to the Home Minister/Home Secretary./ R. D. C./D. I. G. S. R. regarding students disquietude at Bhawanipatna on the 29th October 1964.	9-12-1965	Without objection
C. 93	Original application, dated 10-12-1965 nil of Shri Giridhari Patnaik and six others addressed to the District Magistrate, Kalahandi to picket before the District Magistrate's Office as a mark of protest against police action.	10-12-1965	Ditto
C. 94	Small piece of paper, containing the order of Mr. A. K. Palit, Magistrate, first class, to fire two rounds.	10-12-1965	Ditto
C. 95	Sketch map of Bhawanipatna Headquarters Hospital drawn up by the witness in court.	13-12-1965	Ditto
C. 96	Copy of letter No. 16150-H., dated the 1st August 1964, from the Under-Secretary, Health Department to Director of Health Services communicated to Dr. D. Misra in Memo.No.19569-M., dated the 20th August 1964 regarding the employment of Dr. Misra as an Assistant Surgeon in the State Medical Cadre for a period of one year.	13-12-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
C. 97	Original order No. 8935, dated the 29th October 1964 regarding suspension of Dr. Misra from service and directing him to hand over the charge said to have been refused by Dr. Misra, when served. (Produced by the State Counsel).	13-12-1965	Without objection

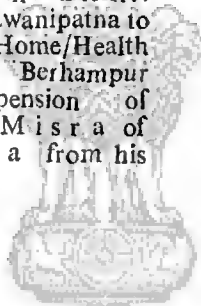
## CUTTACK TOWN

C. 98	The site plan (map) of Ravenshaw College compound and the adjacent roads produced by the State Counsel.	31-1-1966	Without objection
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## BINJHARPUR

C. 99(1)	Photograph showing : Embankment road, postal approach road, Telegraph post, Mahal tree, P. S. building.	26-2-1966	Without objection
C. 99(2)	Photograph showing : Mahal tree, rain gauge, urinal, firing position of P. S. thatch in South-West Corner.	26-2-1966	Ditto
C. 99(3)	Photograph showing : Embankment road towards East and approach road.	26-2-1966	Ditto
C. 99(4)	Photograph showing : Approach road of post office, Embankment road in front of P. S. building, steps and urinal.	26-2-1966	Ditto
C. 99(5)	Photograph showing : Gate and steps of P. S., Embankment road, South-West corner pillar and thatch of P. S.	26-2-1966	Ditto
C. 99(6)	Photograph showing : Gate and some portion of P. S. building.	26-2-1966	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
<b>JAGATSINGHPUR</b>			
C. 100	Copy of inquest report of the deceased ( K. P. Mohanty ) of Jagatsinghpur.	10-3-1966	Without objection
<b>BERHAMPUR</b>			
C. 101	Carbon copy of the post-mortem report of the deceased, Somanath Jena.	18-3-1966	Without objection
<b>BHAWANIPATNA</b>			
C. 102	Original radio message No. 1170, dated the 29th October 1964 said to have been sent from the District Magistrate, Bhawanipatna to the Secretary, Home/Health and R. D. C., Berhampur regarding suspension of Dr. Dasarathi Misra of Bhawanipatna from his service.	1-4-1966	Subject to objection.



सत्यमेव जयते

**LIST OF DOCUMENTS ADMITTED  
IN EVIDENCE FOR THE PUBLIC**

Disting- guishing mark or number	Description on docu- ment and date	Date of admission	Whether admitted or without objection
(1)	(2)	(3)	(4)
<b>CUTTACK TOWN</b>			
1	Photograph filed by Mr. A. Das, the Counsel for the Students' Union showing two men in armed police uniform along with some men standing.	13-7-1965	Subject to objec- tion.
2	Photograph filed by Mr. C. V. Murty, the Counsel for the Citizens Committee showing a motor van and some men in police officers uniform along with some men.	13-7-1965	Ditto
3	Photograph filed by Mr. C. V. Murty, the Counsel for the Citizens Committee showing a man in police officers uniform standing on the first floor of M. S. Law College Hostel with something in his hand.	13-7-1965	Ditto
4	True copy of resolution, dated the 16th November 1964 of the High Court Bar Association regarding the assault by the police in the meeting held at Chandanpadia on the 14th November 1964.	20-7-1965	Without objection
5	Letter No. 68-A, dated the 27th November 1964 from the A. D. M. (Mr. R. K. De) Cuttack, addressed to the President, H. C. Bar Association.	20-7-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted or without objection
(1)	(2)	(3)	(4)
6	Letter, dated the 28th November 1964 from the President, H. C. Bar Association addressed to Mr. R. K. De, A. D. M., Cuttack.	20-7-1965	Without objection
7	F. I. R., dated the 26th September 1964 in G. R. Case No. 2127/1072-T/65 of 1964 on the file of the S. D. M., Sadar, Cuttack relating to Mr. Jadabananda Mohapatra & others (Four sheets).	21-7-1965	Ditto
	Copies of injury reports relating to:—		
8	Mr. Sripad Kanungo ..	23-7-1965	Ditto
8/1	Mr. Birendranath Das ..	23-7-1965	Ditto
8/2	Mr. Satish Ch. Mohapatra ..	23-7-1965	Ditto
8/3	Surendranath Samantray ..	23-7-1965	Ditto
8/4	Mr. Jugal Kishore Modi ..	23-7-1965	Ditto
8/5	Mr. Iswar Behera ..	23-7-1965	Ditto
8/6	Mr. Premanand Panigrahi ..	23-7-1965	Ditto
8/7	Mr. Lakshmidhar Singh ..	23-7-1965	Ditto
8/8	Mr. Jadabananda Mohapatra	23-7-1965	Ditto
8/9	Mr. Rabinarayan Mohanti ..	23-7-1965	Ditto
8/9-A	Original injury report (Medical certificate) in respect of Mr. Rabinarayan Mohanti.	26-7-1965	Ditto
8/10	Mr. Padma Charan Parida ..	23-7-1965	Ditto
8/10-A	Original injury report (Medical certificate) in respect of Mr. Padma Charan Parida.	26-7-1965	Ditto
8/11	Mr. Satyabadi Saran ..	23-7-1965	Ditto
8/12	Mr. S. V. R. Murty Patnaik	23-7-1965	Ditto
8/13	Mr. Sukumar Nanda ..	23-7-1965	Ditto
8/14	Mr. Manmohan Das ..	23-7-1965	Ditto



Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
8/15	Mr. Purna Chandra Das ..	23-7-1965	Without objection
8/16	Mr. Abhaya Ch. Patnaik ..	23-7-1965	Ditto
8/17	Mr. Kahnailal Sethi ..	23-7-1965	Ditto
8/18	Mr. Lalmohan Naik ..	23-7-1965	Ditto
8/19	Mr. Sarat Kumar Mohapatra	23-7-1965	Ditto
8/20	Mr. Radhakanta Agrawalla..	23-7-1965	Ditto
8/21	Mr. Sailesh Chandra Pradhan	23-7-1965	Ditto
8/21-A.	Original injury report (Medical certificate) in respect of Mr. Sailesh Chandra Pradhan.	26-7-1965	Ditto
8/22	Mr. Niranjan Sarangi ..	23-7-1965	Ditto
8/23	Mr. Radhakanta Patra ..	23-7-1965	Ditto
8/24	Mr. Nabin Chandra Singh Samanta,	23-7-1965	Ditto
8/25	Mr. Paramananda Acharya ..	23-7-1965	Ditto
8/26	Rabindranath Mohanty ..	23-7-1965	Ditto
8/27	Krushna Chandra Das ..	23-7-1965	Ditto
8/28	Prafulla Kumar Mohanty ..	23-7-1965	Ditto
8/29	A. K. Chakravarty ..	23-7-1965	Ditto
8/30	Ratnakar Das ..	23-7-1965	Ditto
8/31	Dologovind Samal ..	23-7-1965	Ditto
8/32	Haris Ch Mohapatra ..	23-7-1965	Ditto
8/33	Krushna Ch. Gochikar ..	23-7-1965	Ditto
8/34	Surendranath Patnaik ..	23-7-1965	Ditto
8/35	Kasinath Rout ..	23-7-1965	Ditto
8/36	Kanhu Ch. Ransingh ..	23-7-1965	Ditto
8/37	A. Mahanta ..	23-7-1965	Ditto
8/38	Mangal Singh ..	23-7-1965	Ditto
8/39	Rabindra Panda ..	23-7-1965	Ditto
8/40	Mumtaz Beig ..	23-7-1965	Ditto
8/41	Sachidananda Sahu ..	23-7-1965	Ditto
8/42	Anadinath Sarma ..	23-7-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
8/43	Prafulla Kumar Patnaik ..	23-7-1965	Without objection
8/44	Rajkishore Misra ..	23-7-1965	Ditto
8/45	Alekh Ch. Mohanty ..	23-7-1965	Ditto
8/46	Nityananda Pani ..	23-7-1965	Ditto
8/47	Ratikanta Mohanty ..	23-7-1965	Ditto
8/48	Rajgopalan ..	23-7-1965	Ditto
8/49	Siba Pradhan ..	23-7-1965	Ditto
8/50	Kulamani Nanda ..	23-7-1965	Ditto
8/51	Gopal Sundar Patnaik ..	23-7-1965	Ditto
8/52	Sarat Ch. Satpathy ..	23-7-1965	Ditto
8/53	Brahmananda Mahalik ..	23-7-1965	Ditto
8/54	Jaladhar Sahu ..	23-7-1965	Ditto
8/55	Dasarathi Naik ..	23-7-1965	Ditto
8/56	Nabakumar Mohapatra ..	23-7-1965	Ditto
8/57	Brahmananda Parida ..	23-7-1965	Ditto
8/58	Ramchandra Misra ..	23-7-1965	Ditto
8/59	Prafull Kumar Giri ..	23-7-1965	Ditto
8/60	Mr. Banambar Martha ..	23-7-1965	Ditto
8/61	Mr. Trilochan Kanungo ..	23-7-1965	Ditto
8/62	Mr. Gokulananda Das, Professor of E. N. T., S. C. B. Medical College.	23-7-1965	Ditto
9	The entries of names of patients in the Out-door Register of O. M. P. Hospital, Cuttack, rela- ting to the 26th and 27th September 1964.	26-7-1965	Ditto
9-A	The entries of the scorred- through names of M/S. Jadabananda Mohapatra and five others marked in red pencil.	26-7-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
9-B	The entry of the name of Mr. Paramananda Pani-grahi against No. 7464 marked in red pencil.	26-7-1965	Without objection
9-C	The scorred-through entry in respect of No. 7438 marked in red pencil.	26-7-1965	Ditto
	Copies of injury reports relating to police personnel.	26-7-1965	Ditto
10	Mr. Radhakanta Das, D. S. P., Cuttack.	..	..
10-A	Original injury report of Mr. R. K. Das, D. S. P., Cuttack.	26-7-1965	Without objection
10 (1)	Mr. Haramohan Mohanti, S. I. O. R., Cuttack.	26-7-1965	Ditto
10 (1)-A	Original injury report of Mr. Haramohan Mohanti, S. I., O. R., Cuttack.	26-7-1965	Ditto
10 (2)	Mr. Anam Charan Mohanty, O. I. C., Mangalabag P.-S.	26-7-1965	Ditto
10 (3)	Mr. S. N. Das, S. I., Manga- labag P.-S.	26-7-1965	Ditto
10 (4)	Mr. P. K. Mohapatra, S. I., Lalbag P.-S.	26-7-1965	Ditto
10 (5)	Mr. Chapadhar Bohera, Jamadar, O. M. P., Cuttack.	26-7-1965	Ditto
10 (6)	Mr. Nrusingha Charan Naik, A. S. I., Mangalabag P. S.,	26-7-1965	Ditto
10 (7)	Mr. Hav. Debraj Misra, A. P. R., Cuttack.	26-7-1965	Ditto
10 (8)	Mr. Premananda Mohanty, Mangalabag (H. C.).	26-7-1965	Ditto
10 (9)	Mr. Jagannath Pradhan, A. P. R., Cuttack (Naik 1217).	26-7-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
10 (10)	Mr. Chandramani Behera, A. P. R. (C/476).	26-7-1965	Without objection
10 (11)	Mr. Panchanan Sethi O. R. (C/1826).	26-7-1965	Ditto
10 (12)	Mr. Panchanan Das, A. P. R. (C/851).	26-7-1965	Ditto
10 (13)	Mr. Kalindi Mallik, A. P. R.	26-7-1965	Ditto
10 (14)	Mr. D. K. Biswal, Sepoy No. 740.	26-7-1965	Ditto
10 (15)	Mr. F. Kahn, O. M. P. S/736	26-7-1965	Ditto
10 (16)	Mr. Govind Majhi, O. M. P. S/786.	26-7-1965	Ditto
10 (17)	Mr. M. S. Bhoi, O. M. P. S/681.	26-7-1965	Ditto
10 (18)	Mr. G. S. Mohapatra, O. M. P. S/779.	26-7-1965	Ditto
10 (19)	Mr. G. D. Behera, O. M. P. S/729.	26-7-1965	Ditto
10 (20)	Mr. S. C. Mohanty, O. M. P. S/683.	26-7-1965	Ditto
10 (21)	Mr. G. C. Bhuyan, O. M. P. S/759.	26-7-1965	Ditto
10 (22)	Mr. S. S. Pujari, O. M. P. S/755.	26-7-1965	Ditto
10 (23)	Mr. N. B. Rao, O. M. P. S/726.	26-7-1965	Ditto
10 (24)	Mr. B. D. Biswal, O. M. P. S/777.	26-7-1965	Ditto
10 (25)	Mr. K. Rout, O. M. P. S/723	26-5-1965	Ditto
10 (26)	Mr. U. C. Padhi, S. D. O., Sadar, Cuttack.	26-7-1965	Ditto
10 (27)	Mr. G. B. Rout, O. M. P., Jemadar.	26-7-1965	Ditto
10 (28)	Mr. Siba Parida, O. M. P. S/1141.	26-7-1965	Ditto

Distinguishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
10 (29)	Mr. M. A. Khan, O. M. P. S/1135.	26-7-1965	Without objection
10 (30)	Mr. Sarbeswar Sahu, O. M. P. S/1120.	26-7-1965	Ditto
10 (31)	Mr. Rama Sethi, O. M. P. S/1098.	26-7-1965	Ditto
10 (32)	Mr. S. Naik, O. M. P. S/1119.	26-7-1965	Ditto
10 (33)	Mr. Bhimsen Naik, O. M. P. S/1113.	26-7-1965	Ditto
10 (34)	Mr. P. K. Misra, I. P. S., Assistant Commandant, O. M. P., Cuttack.	26-7-1965	Ditto
10 (35)	Mr. M. S. Alam, Reserve Inspector, Cuttack.	26-7-1965	Ditto
10 (36)	Mr. Yudhisthir Jena, O. M. P. Naik.	26-7-1965	Ditto
10 (37)	Mr. Abdul Satar, Assistant Driver.	26-7-1965	Ditto
10 (38)	Mr. Ram Ch. Rath, O. M. P. S/415.	26-7-1965	Ditto
10 (39)	Mr. S. Dhal, O.M.P. S/1131	26-7-1965	Ditto
10 (40)	Mr. A. Khan, O.M.P. S/1148	26-7-1965	Ditto
10 (41)	Mr. Zalla Mohammad, O. M. P. S/1146	26-7-1965	Ditto
10 (42)	Mr. Afzal Khan, O. M. P. S/1147.	26-7-1965	Ditto
10 (43)	Mr. Rabindranath Panda	26-7-1965	Ditto
10 (44)	Mr. A. P. Roy, O. M. P. Jamadar.	26-7-1965	Ditto
10 (45)	Mr. Natabar Behera, O. M. P. S/1106.	26-7-1965	Ditto
10 (46)	Mr. Sk. Nabi, O. M. P. S/1108.	26-7-1965	Ditto
10 (47)	Mr. R. Roy, O. M. P. S/101	26-7-1965	Ditto
10 (48)	Mr. B. Mohapatra, O. M. P. S/10.	26-7-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
10 (49)	Mr. Kasi Behera, O. M. P. S/11.	26-7-1965	Without objection
10 (50)	Mr. Bijuram, O. M. P. Spoy	26-7-1965	Ditto
10 (51)	Mr. N. K. Singh, O. M. P. S/168.	26-7-1965	Ditto
10 (52)	Mr. Syama Jena, O. M. P. S/1	26-7-1965	Ditto
10 (53)	Mr. Khalli Behera, O. M. P. S/4.	26-7-1965	Ditto
10 (54)	Mr. A. C. Karmakar, O. M. P. S/32.	26-7-1965	Ditto
10 (55)	Mr. Ekadasi Dhal, O. M. P. S/38.	26-7-1965	Ditto
10 (56)	Mr. Basudeb Sarangi, Reporter Inspector, Cuttack.	26-7-1965	Ditto
10 (57)	Mr. G. S. Das Mohapatra, Professor of Surgery, S. C. B. Medical College.	26-7-1965	Ditto
10 (58)	Mr. B. B. Tripathy, Professor, Clinical Medicine, S. C. B. Medical College.	26-7-1965	Ditto
10 (59)	Mr. M. M. Sharma, Assistant Commandant, O. M. P., Cuttack.	26-7-1965	Ditto
10 (60)	Mr. D. K. Mitra, Assistant Commandant, O. M. P., Cuttack.	26-7-1965	Ditto
10 (61)	Mr. Parasuram Singh, S. I., Lalbag P. S.	26-7-1965	Ditto
10 (62)	Mr. N. Ch. Mohanty, D. S. I., Police.	26-7-1965	Ditto
10 (63)	Mr. R. Ram, O. M. P. Jemadar.	26-7-1965	Ditto
10 (64)	Mr. G. D. Behera, O. M. P. Jemadar.	26-7-1965	Ditto
10 (65)	Mr. M. C. Behera, O. M. P. Jemadar.	26-7-1965	Ditto

Distin- guishing mark or number	Description on document and date.	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
10(66)	Mr. G. N. Satpathy, Naik ..	26-7-1965	Without objection
10(67)	Mr. Bhramarbar Jena, Naik	26-7-1965	Ditto
10 (68)	Mr. Lakshman Patra, O. M. P. S/1012.	26-7-1965	Ditto
10 (69)	Mr. Muralidhar Choudhury O. M. P. S/825.	26-7-1965	Ditto
10 (70)	Mr. M. Simadri R e d d y O. M. P. S/1199	26-7-1965	Ditto
10 (71)	Mr. Janardan M o h a p a 'tra, O. M. P. S/1173.	26-7-1965	Ditto
10 (72)	Mr. Bhup Sharm, O. M. P. S/189.	26-7-1965	Ditto
10 (73)	Mr. Ghanasyam Singh S/491	26-7-1965	Ditto
10 (74)	Mr. Syamaghana Sahu S/1202	26-7-1965	Ditto
10 (75)	Mr. Nityananda M u d u l i S/1163	26-7-1965	Ditto
10 (76)	Mr. Hadibandhu Choudhury S/1180	26-7-1965	Ditto
10 (77)	Mr. Girish Sahoo, O. M. P. S/1164	26-7-1965	Ditto
10 (78)	Mr. Sk. Nassar, Sepoy	26-7-1965	Ditto
10 (79)	Mr. Ganiulla Khan S/1145	26-7-1965	Ditto
11	Station Diary entry of Mangalabag P. S., dated the 12th October 1964 (Vide Ex-C/15).	27-7-1965	..
12	Original affidavit, dated the 25th May 1965 of Mr. Sasankadhar Das.	27-7-1965	Without objection
13	The entire record (23 sheets) relating to Mangal a b a g P. S. Case No. 361, dated the 12th October 1964 in G. R. Case No. 2339/64 on the file of S. D. O., Sadar, Cuttack (Vide Ex-A)	28-7-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
13/1	The ordersheets (four) relating to the above record.	28-7-1965	Without objection
14	Affidavit, dated the 25th May 1965 in original of Mr. Pramod Chandra Samantaray (two sheets).	3-8-1965	Ditto
14/1	Agreement, dated the 5th November 1964 (in Oriya) script duly signed by Mr. Pramod Samantaray and thirty-seven others.	4-8-1965	Subject to objection
14/2	Copies of press communique (in Oriya script), dated the 10th November 1964 issued to Prajatantra and Samaj by Mr. Pramod Samantaray (four sheets).	4-8-1965	Without objection
14/2-A	Portions marked in red pencil relating to Press communique, dated the 19th November 1964 issued in Samaj by Mr. Pramod Samantaray (P. W. 4 ).	4-8-1965	..
15	Resolution, dated nil said to have been passed by the State Council of Action on the 13th October 1964 filed by Mr. Samantaray (Two sheets).	5-8-1965	Subject to objection
15/1	Separate sheet of paper containing the signatures of the Presidents and Secretaries of certain College Unions which appears to form a part of Ex. 15 filed by Mr. Samantaray (P.W. 4).	5-8-1965	Ditto
15/1 (a)	Signature of Mr. Madan Sahu	5-8-1965	Without objection
15/1 (b)	Signature of Mr. Bhagabat Behera.	5-8-1965	Ditto



Distinguishing mark or number	Description on document and date	Date on admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
15/1 (c)	Signature of Mr. Ramana Murty Patnaik.	5-8-1965	Without objection
15/1 (d)	Signature of Mr. Narasingh Misra.	5-8-1965	Ditto
16	Telegram, dated the 16th November 1964 said to have been sent to the Chairman, State Council of Action, Medical College by the President, Deogarh College Union.	11-8-1965	Ditto
17	Telegram, dated the 10th November 1964 sent to the Students Action Committee C/o. President, Ravenshaw College Union, Cuttack by the Action Committee, Raghunath Vidyapitha, Orgaon.	11-8-1965	Ditto
18	Postal inland letters, dated the 4th December 1964 addressed to Mr. P. Samantaray, Medical Student by one Jyotirmayee Patnaik, a student of Class XI of Jagatsinghpur H. E. School.	11-8-1965	Ditto
18-A	Sketch map drawn by Mr. Madan Mohan Mohapatra (P. W. 5) showing his position at the point of time when police entered Ravenshaw College compound on the 27th September 1964.	12-8-1965	Ditto
19	Report, dated the 29th October 1964 of Mr. Basanta Kumar Jena, Asst. Supdt., B. N. Hostel, Christ College to the address of the Principal, Christ College (two sheets).	18-8-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
20	Loss statement, dated the 29th October 1964 of Mr. Subhas Chandra Naik, a Boarder of B. N. Hostel, Room No. 3 to the address of the Supdt., B. N. Hostel.	18-8-1965	Without objection
21	Loss statement, dated the 29th October 1964 of Mr. Sachidananda Bag, a Boarder of B. N. Hostel to the address of the Supdt., B. N. Hostel.	18-8-1965	Ditto
22	Loss statement, dated the 29th October 1964, from Mr. Gokul Ch. Das, B. N. Hostel to the address of the Supdt., B. N. Hostel.	18-8-1965	Ditto
23	Office copy of the report No. 674/100/64, dated the 31st October 1964 from Mr. M. N. Ray, officiating Principal, to the address of the D. P. I., Orissa.	18-8-1965	Ditto
24	Copy of relevant portion of the proceedings, dated the 25th November 1964 of the General Meeting of the Governing Body of the Christ College, held on the 4th November 1964.	18-8-1965	Ditto
25	Report No 681/100/64, dated the 6th November 1964 from Mr. M. N. Roy, officiating Principal, Christ College to the address of the District Magistrate, Cuttack.	18-8-1965	Ditto
26	Sketch map of the B. N. Hostel with its adjacent area drawn by the witness (P. W. 7 Mr. M. N. Roy) in court.	18-8-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
27	Entry relating to Regd. No. 19756 in respect of Mr. S. C. Mohanty, in Surgical Out-door Register, dated the 29th October 1964 of S. C. B. Medical College Hospital.	23-8-1965	Without objection
28	Out-door Ticket(S) No. 2230, dated the 10th December 1964, issued to Mr. Sarat Chandra Jena, Student.	23-8-1965	Ditto
29	Prescription, dated the 27th October 1964, issued by Dr. B. K. Giri, M. B., B. S., Child Specialist, Post-Graduate in Paediatrics, Balasore to Mr. S. C. Jena.	23-8-1965	Ditto
30	Entry relating to Regd. No. 18297 in respect of Mr. Sarat Chandra Jena in Casualty Out-door Register, dated the 26th September 1964 of S. C. B. Medical College (Vide C/17) Hospital.	23-8-1965	Ditto
31	Prajatantra, dated the 24th November 1964 (Page 2, column 8) produced by P.W. 9 Mr. G. S. Mohanty.	24-8-1965	Ditto

## BINJHARPUR

32	Transfer Certificate, dated the 4th September 1965 in original, relating to the deceased student, Sk. Gaya-suddin, granted by the Head Master, Sribant High School, Kalyanpur.	7-9-1965	Ditto
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Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
<b>BANKI</b>			
33	Original Certificate, dated the 18th September 1965 granted to Mr. Lakshminarayan Misra, student of I Year Arts, Banki College by Mr. C. Rout, Assistant Surgeon I/c Government Hospital, Banki, regarding his injury on the back produced by Mr. (L) S. Misra, the counsel for the Students (Original returned after keeping a copy thereof).	11-10-1965	Without Objection
<b>JAGATSINGHPUR</b>			
34	Notice (in oriya script) under the name of Madhabananda Pal, Secty, Sanjukta Socialist Party regarding holding of a public meeting for observance of a 'Black Day' at Jagatsinghpur produced by the Counsel for Jagatsinghpur Citizens' a Committee.	14-10-1965	Ditto
<b>BERHAMPUR</b>			
35	Copy of telegram. dated the 29th October 1964 said to have been sent to Mr. N. Routray/Mr. G. L. Nanda, Home Minister, Government of India/Government of Orissa, regarding the lathi charge and firing resorted to by the police at Berhampur.	17-10-1965	Ditto
<b>BHUBANESWAR</b>			
36	Petition, dated the 23rd March 1965 of Mr. Banamali Das, a student of Class V of U. P. School in Unit No. 3, New Capital (One sheet).	5-11-1965	Ditto

Distin- guishing make or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
<b>SAMBALPUR</b>			
37	Resolution of Sambalpur Bar Association, dated the 27th October 1964, regarding police action at Sambalpur (one sheet). The original is returned after keeping a copy thereof.	16-11-1965	Without objection
38	Small size photograph of Sambalpur Court area produced by the Counsel for the public.	16-11-1965	Ditto
38(A)	Enlarged photograph of Sambalpur Court area (Ex.38).	16-11-1965	Ditto
38(B)	Small size photograph of Court area of Sambalpur.	16-11-1965	Ditto
<b>BARGARH</b>			
39	Photograph purported to be of Mr. P. L. Panda, with bandages in his head and right forearm.	22-11-1965	Ditto
39(A)	Another photograph of Mr. P. L. Panda, with bandages on his head and forearm.	22-11-1965	Ditto
40	Office copy of telegram said to have been sent by Bargarh Bar Association to C. J/Secy., Bar Council, Cuttack on the 28th October 1964, regarding lathi charge by police at Bargarh and the condition of Mr. P. L. Panda, in consequence thereof with 2 annexures—2 postal receipts Nos. 3977 and 3978 in token of payment of Rs. 6.40 towards telegram charges issued from Bargarh Post Office (two sheets).	22-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection.
(1)	(2)	(3)	(4)
41	Resolution, dated the 28th October 1964 of Bargarh Bar Association regarding the unhappy situation created due to the lathi charge by police a copy whereof was admitted to have been received by the S. D. O., Bargarh (Original returned after keeping a copy thereof).	22-11-1965	Without objection
41-A	Resolution, dated the 1st November 1964 of Bargarh Bar Association, regarding apprehension of troubles and deputation of certain members of the bar to meet the appropriate authorities (Original returned after keeping a copy thereof).	23-11-1965	Ditto
41-B	Resolution of Bargarh Bar Association, dated the 4th November 1964 to the effect that the matter would be included in the judicial probe proposed to be set up for the students movement.	23-11-1965	Ditto
42	Joint petition of Mr. Srinivas Agarwal and nine other Advocates of Bargarh addressed to the S. D. O., Bargarh for taking action against those who were responsible for police assault on 28th October 1964.	23-11-1965	Ditto
43	Letter No. 2727, dated the 4th November 1964 from the S. D. O., Bargarh to the President, Bargarh Bar Association regarding adequate security measures taken for safety of the members of the Bar and their staff in court premises.	23-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
44	Letter No. 2899-Judl., dated the 4th November 1964 from the S. D. M. to the President, Bargarh Bar Association forwarding a copy of Ext. 43 (Two sheets).	23-11-1965	Without objection
45	Letter No. 4545, dated the 2nd November 1964 from the Registrar Civil Courts, Sambalpur to the Munsif, Bargarh regarding the assurance of the District Magistrate to the District Judge that there would be no further disturbance in the court area at Bargarh.	23-11-1965	Ditto
46	Letter No. 929, dated the 5th November 1964 from the Munsif, Bargarh to the Secretray Bargarh Bar Association forwarding a copy of Ext. 43.	23-11-1965	Ditto
47	Relevant entry No. 813 in the Station Diary, dated the 29th October 1964 (at 9-15A. M.) of Bargarh P. S.	23-11-1965	Ditto
48	Original records (File A) in Misc. Case No. 90/64—on the file of Sub-Collector and Magistrate, 1st Class, Bargarh relating to promulgation of orders u/s 144, Cr. P. C. in the College and Municipal areas of Bargarh Town (Three sheets).	24-11-1965	Ditto
49	Copy of letter No. 8, dated the 21st November 1965 from Shri B. M. Patnaik, State Counsel to the Headmaster, Basic School, Bargarh regarding the arrest of the trainees of his institution (Two sheets).	24-11-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
49-A	Confidential letter, dated the 22nd November 1965, from the Headmaster, G o v t. Basic Training School to Shri B. M. Patnaik, the State Counsel at Bargarh, in the above matter with its enclosures (Three sheets).	24-11-1965	Without objection
50 (1)	Receipt No. 432, dated the 4th January 1962, showing payment of Rs. 16.80 towards Bargarh Municipal Tax for 1961-62 by Mr. P. Satpathy in favour of Mr. Sribatsa Mohapatra, for holding No. 1675 in Ward No. 11 (produced by the Counsel for public).	5-12-1965	Ditto
50 (2)	Receipt No. 3, dated the 2nd October 1962, showing payment of Rs. 16.80 towards Bargarh Municipal Tax in favour of Mr. Sribatsa Mohapatra (Produced by public Counsel).	5-12-1965	Ditto
50 (3)	Receipt No. 49, dated the 23rd July 1964, showing payment of Rs. 23.42 towards Bargarh Municipal Tax for 1963-64 and 1964-65 (for the 1st and 2nd quarter) in favour of Mr. Sribasta Mohapatra (Produced by the public Counsel).	5-12-1965	Ditto
51	Original letter No. 1424, dated the 4th December 1965, from the Executive Officer, Bargarh Municipality to Mr. P. Satpathy confirming the holding Nos. 1675 and 1882 comprise the same spot.	5-12-1965	Ditto



Distin- guishing mark or number	Description on document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
52	Rough sketch map drawn by Mr. P. Satpathy (P. W. 25) in court in respect of the rented house then under his occupation and the adjacent house owners.	5-12-1965	Without objection
53	Original letter, dated the 2nd November 1964, from the Secretary Sambalpur Bar Association to the President, Bargarh Bar Association, accompanying the resolution, dated 2nd November 1964, passed in an emergency meeting of Sambalpur Bar Association regarding the police action taken on 28th October 1964 in the court area at Bargarh (Produced by public Counsel). (Two sheets).	7-12-1965	Ditto
54	Certified copy of proceedings of the emergent meeting of Bargarh Municipal Council, dated 29th October 1964, regarding the demand for institution of a Judicial enquiry into the police action taken on 28th October 1964 (in Oriya script, produced by the public Counsel).	7-12-1965	Ditto
<b>BHAWANIPATNA</b>			
55	Certified copy of Judgement, dated the 29th June 1965, passed by Mr. R. C. Kar, the Sessions Judge, Bolangir-Kalahandi in Criminal Appeal No. 64-K of 1964 (Four sheets).	10-12-1965	Ditto

Distin- guishing mark or number	Description on document and date	Date of admission	whether admitted after, or without objection
(1)	(2)	(3)	(4)
56	True copy of F.I.R., dated the 29th October 1964 of Bhawanipatna P. S. Case No. 84(15) along with the Station Diary entry (a copy of the same has already been marked as X-6 for Identification)(Three sheets).	11-12-1965	Without objection
57	Notice, dated the 31th October 1964, issued to the Additional District Magistrate, Kalahandi to Shri Paradesi Naik as to why his Deed Writers' License should not be cancelled.	11-12-1965	Ditto
58	Certified copy of Judgement, dated the 31st October 1964, passed by Mr. A. K. Palit, Magistrate, 1st Class in G. R. Case No. 260 (year not mentioned) (Three sheets).	12-12-1965	Ditto
59	Original injury report in respect of Shri Durga Charan Patnaik, Havildar.	12-12-1965	Ditto
60	Entry, dated the 30th October 1964 in the Special Medical Register for the Security Prisoners in respect of the injury and treatment given to Shri Susil Kumar Panda, when he was in the Jail on 30th October 1964 (original returned after keeping a copy thereof).	12-12-1965	Ditto
61	Memo. No. 8935/M-Estt./64, dated 29th October 1964, said to have been issued to Dr. Misra, the then Assistant Surgeon, Bhawanipatna Headquarters Hospital by the Civil Surgeon, regarding his suspension from service and handing over charge to the Assistant Surgeon.	12-12-1965	Ditto

**LISTS OF DOCUMENTS ADMITTED  
IN EVIDENCE FOR THE STATE**

Distinguishing mark or number	Description of document and date	Date of admission	Whether admitted after, or without objection
(1)	(2)	(3)	(4)
<b>CUTTACK TOWN</b>			
A.	Vakalat, dated the 1st February 1965 engaging Mr. Ajoy Kumar Jagaddev Mohapatra in G. R. case No. 2339/64 (vide Exhibit 13) (one sheet).	25-7-1965	Without objection
B.	Protest petition, dated the 1st February 1965, in original, filed by Mr. Sasankadhar Das before the S. D. O., Sadar, Cuttack in G. R. case No. 2339/64 (vide Exhibit 13) (one sheet).	28-7-1965	Ditto
C.	Spot sketch map drawn by the witness, Mr. Sasankadhar Das (P. W. 1.) in court with regard to his movement as soon as the lathi charge was resorted to on the night of the 26th September 1964 in front of "The Majestic Radio Shop"	29-7-1965	Ditto
D.	The torn pronote (Two pieces) dated the 26th September 1964 of Mr. Sasankadhar Das.	30-7-1965	Ditto
E.	The notice, dated the 19th December 1964 issued by the Inspector of Police, Mangalabag, P. S. to Mr. Sasankadhar Das to the effect that his complaint (one sheet).  Under the provisions of the I. P. C. has been reported to the S. D. O., Sadar, Cuttack to be false.		Ditto
F.	Order sheet, dated the 12th October 1964 G. R. C. case No. 2127/1072—T/64 (vide Exhibit 7) (one sheet).	30-7-1965	Ditto

Distin- guishing mark or number	Description of document and date	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
G.	Letter of regret, dated the 20th January 1965 duly signed by Mr. P. Samantaray and twenty-one students of S. C. B. Medical College.	4-8-1965	Without objection
G/1.	Signature of Mr. Promode Chandra Samantaray put in the agreement, dated the 5th November 1964.	4-8-1965	Ditto
G/2.	Signature of the Principal, S. C. B. Medical College put in the agreement, dated the 5th November 1964.	4-8-1965	Ditto
H.	A news item published in the Prajatantra, dated the 10th November 1964 said to be on the basis of a communique sent by Mr. P. Samantaray (Ext. 14/2).	5-8-1965	Subject to objection
I.	One printed pamphlet, dated the 29th September 1964 issued under the names of M/s Bhagabat Behera, Law College student, ex-President, Ravenshaw College Union & Bijoy Prasad Mohanty, Law College student, ex-President, Stewart College Union.	11-8-1965	Without objection
J.	Printed pamphlet, dated the 11th November 1964, issued under the name of Mr. Abhoy Chandra Mohapatra, President, Ravenshaw College Union, Cuttack,	11-8-1965	Ditto
K.	The Statement, dated the 12th October 1964 of the witness (Mr. P. K. Mohanty) before the Cuttack Citizens Fact Finding Committee filed before the Commission on the 26th May 1965 ( 8 sheets)	16-8-1965	Ditto

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Distin- guishing mark or number	Description of document and date	Date of admission	Where admitted after or without objection
(1)	(2)	(3)	(4)
K/1.	Signature of the witness (Mr. P. K. Mohanty), dated the 12th October 1964 in the above statement already marked as Ext. K.	16-8-1965	Without objection
K/2.	The sentence "some of the students were crying in pain and informed me that they were indiscriminately beaten by the O M P armed constables with long lathis when they were try- ing to go out of the Hostel" occurring at page 1 of the statement marked as Ext. K.	16-8-1965	Ditto
L.	Office copy of letter No. 209, dated the 14th November 1964 of the S. D. O., Sadar, Cuttack addressed to the Principal, Christ College, Cuttack.	20-8-1965	Ditto
M.	Letter Ref. 717/100/64, dated the 16th November 1964 from the Principal, Christ College, Cuttack addressed to the S. D. O., Sadar, Cuttack with its annexure (Two sheets).	20-8-1965	Ditto
N.	Letter, dated the 13th April 1965 from Mr. Basanta Kumar Jena to Mr. Padma Charan Thatai (in Oriya) (returned to the State Counsel).	23-8-1965	Ditto
N/1.	Photostat copy of letter, dated the 13th April 1965 from Mr. Basanta Kumar Jena to Mr. Padma Ch. Thatai already marked as Ext. N.	23-8-1965	Ditto
O.	Managing Committee members attendance register of Singipur High School (Bound Exercise Book)	23-8-1965	Ditto

Distin- guishing mark or number	Description of document and date	Date of admission	Where admitted after or without objection
(1)	(2)	(3)	(4)
O/1.	Signature of Mr. Basanta Kumar Jena (C. W. 12) at page 39 against, dated the 12th May 1965 of Exhibit "O".		
<b>BARGARH</b>			
<b>P.</b>	Sketch map of Bargarh Basic Training School and the adjacent roads drawn up by Mr. Ku n j a b a n Patra (P. W. 24) in court.	25-11-1965	



सत्यमेव जयते

**LIST OF DAILY LOCAL NEWSPAPERS REFERRED  
TO BY THE COUNSEL FOR THE STATE & PUBLIC IN  
COURSE OF THE PROCEEDINGS OF THE COMMISSION**

S—Stands for “Samaj”

P—Stands for “Prajatantra”

M—Stands for “Matrubhumi”

E. T.—Stands for “Eastern Times”

Date of issue of Samaj	Date of issue of Prajatantra	Date of issue of Matrubhumi
(1)	(2)	(3)
5-8-1965		
S/1. dated 28-9-1964 .	P/1. dated 28-9-1964 ..	M/1. dated 28-9-1964
S/2. dated 11-11-1964..	P/2. dated 24-10-1964	
	P/3. dated 23-10-1964	
	P/4. dated 23-10-1964	
	P/5. dated 24-10-1964	
	P/6. dated 29-10-1964	
	P/7. dated 29-10-1964	
	P/8. dated 29-10-1964	
	P/9. dated 31-10-1964	
	P/10. dated 2-11-1964	
	P/11. dated 3-11-1964	
	P/12. dated 11-11-1964	
10-8-1965		
S/3. dated 12-11-1965..	P/12. dated 11-11-1964..	M/2. dated 11-11-1964
	P/13-A. dated 11-11-1964	M/2-A. dated 11-11-1964
	P/13-B. dated 11-11-1964	M/2-B. dated 11-11-1964
	P/14. dated 6-10-1964 ..	M/3. dated 12-11-1964
	P/15. dated 12-10-1964..	M/4. dated 13-11-1964
	P/16. dated 19-10-1964. .	M/4-A. dated 13-11-1964
	P/17. dated 31-10-1964..	M/4-B. dated 13-11-1964
11-8-1965		
	P/18. dated 22-10-1964	
	P/19. dated 27-10-1964	

Date of issue of Samaj	Date of issue of Prajatantra	Date of issue of Matrubhumi	
(1)	(2)	(3)	
	P/19-A. dated 27-10-1964		
	P/20. dated 30-10-1964		
	P/17-A. dated 31-10-1964		
	P/21. dated 1-11-1964		
	P/21-A. dated 1-11-1964		
	P/22. dated 3-11-1964		
	P/23. dated 7-11-1964		
	P/24. dated 4-10-1964		
	12-8-1965		
S/4. dated 29-9-1964	.. P/25. dated 29-9-1964		
	24-8-1965		
	P/26. dated 2-10-1964		
	P/27. dated 25-10-1964		
	27-8-1965		
	P/28. dated 10-11-1964		
	P/29. dated 11-11-1964		
	2-9-1965		
S/5. dated 12-11-1964	.. P/30. dated 16-11-1964		
	P/31. dated 12-11-1964		
	8-9-1965		
	P/32. dated 5-11-1964		
	11-10-1965		
		M/5. dated 19-11-1964	
Date of issue of Samaj	Date of issue of Praja-tantra	Date of issue of Matrubhumi	Date of issue of Eastern Times
(1)	(2)	(3)	(4)
	17-10-1965		
			ET/1. dated 1-11-1964
			ET/2. dated 3-11-1964
			ET/3. dated 30 10-1964
	27-10-1965		
	P/17-B. dated 31-10-1964		



**LIST OF MATERIAL OBJECTS ADMITTED IN EVIDENCE**

Distinguishing mark or number	Description of the material objects	Date of admission	Whether admitted after or without objection
(1)	(2)	(3)	(4)
I. M. O.	Tear smoke shell	1-7-1965	Without objection
II. M. O.	Library card (two pieces)	2-8-1965	Ditto
III. M. O.	Brass cap (button) of police lathi	18-8-1965	Ditto
<b>BERHAMPUR</b>			
IV. M. O.	Tear smoke shell	19-10-1965	Ditto
<b>BARGARH</b>			
V. M. O.	Granate	23-11-1965	Subject to objection
VI. (1) M. O. 10 (3)	Four Tear Smoke Shells.	23-11-1965	Ditto



सत्यमेव जयते

**QUESTIONNAIRE SENT BY THE COMMISSION**

FROM SHRI K. B. PANDA, B. L.

SECRETARY, COMMISSION OF ENQUIRY, STUDENTS, AGITATION

To

HIGH COURT BUILDING  
CUTTACK-2  
(ORISSA)

*The 9th April 1966*

THE/DR./MR./SHRI

SUBJECT—Questionnaire

SIR,

You are perhaps aware that Hon'ble Mr. Justice S. Barman, Judge, Orissa High Court, has been appointed as the One-member-Commission to enquire into certain matters of definite public importance arising out of the Students' Agitation in Orissa between 26-9-1964 to 24-11-1964.

2. In course of the proceedings, certain questions of such definite public importance have arisen, on which, it is considered, that your views would be helpful. Accordingly, a Questionnaire has been prepared and a copy of the same is enclosed herewith.

3. The Commission will be grateful, if you kindly record your views on the Questionnaire or such of the items thereof on which you may be pleased to express your opinion.

4. The answers are solicited as early as possible, not later than the 9th May 1966.

Your kind co-operation in the matter will be greatly appreciated.

Yours faithfully,

*Secretary*

**COMMISSION OF ENQUIRY—  
STUDENTS' AGITATION, ORISSA**

**QUESTIONNAIRE**

**(A)—Problem of Student—Indiscipline**

1. Do you subscribe to the view that the student community all over the world is now in ferment? If so, what according to you is the cause?
2. Is the cause of students' agitation in India the same as in other parts of the world?
3. What according to you is the cause of the student disquietude in this country?

**(B)—Role of the Press in relation to Student Indiscipline**

4. What according to you should be the proper attitude of the press in relation to students and student-indiscipline?
5. Should the press publish any news regarding student-indiscipline in the same manner as other general news?
6. Should the press express any views on any particular act of student-indiscipline either editorially or otherwise? If so, what convention if any should the press follow?
7. What rule, if any, should the press follow in the matter of publication of the news regarding acts of student-indiscipline?
8. What should be the general policy of the press in the matter of publication of the news when there is a student-movement of violent nature?

**(C) Role of Political Parties**

9. Do you agree with the view that the political parties or any of them exploit the students for party purpose? If so, are the political leaders conscious of this?
10. Do you consider that students are misguided or liable to be misguided by political parties?

**(D) Role of other Organisations**

11. Do you consider that other organisations like Labour Organisation, Teachers' Organisation, or such other bodies in any way encourage student-discipline? If so, in what manner?

**(E) Role of Student Unions and other Student Organisations**

12. What according to you should strictly be the functions of the Student Unions?
13. Do you consider that the present system of election to Student Unions is not conducive to student welfare? If so, what alternative do you suggest?
14. Do you agree with the view that Student Unions should be abolished for some time? If not why?
15. In what way can the existing Student Unions be reformed?

**(F) Role of Individuals ( Teachers, Guardians and Parents and other Individuals )**

16. What steps can be taken for improving the relationship between teacher and student in the educational institutions?
17. What should be the teacher-student ratio in the schools and colleges for facilitating more intimate contact between them?
18. In what manner, the guardians and parents can help in maintaining discipline amongst their wards while at home?
19. What should be the duties of guardians and parents in maintaining a healthy home-atmosphere for the welfare of the students under their care?
20. What steps do you suggest for maintaining contact between teachers on the one hand and guardians and parents on the other for the welfare of the students?

21. Do you consider that an individual citizen (other than teachers, guardians and parents) can also, in some way, contribute to solving the problem of student-indiscipline in the country? If so, in what way?

**(G) Atmosphere in the Educational Institutions**

22. Do you consider the amenities available to the students in schools and colleges—libraries, sports and games and other extra-curricular activities—are adequate for a healthy academic life?
23. If your answer to Q. 22 is in the negative, what are your suggestions for improvement on these lines to make the academic life attractive?
24. Do you consider compulsory military training for our students in colleges conducive to all-round development of their mind and body?
25. Do you think that such training should also be given to the students in schools for inculcating a sense of discipline in them from the very beginning?
26. Do you consider that conditions in our hostels are satisfactory?
27. Do you consider the hostels congested? If so, how this congestion can be avoided?
28. Do you consider that the amenities to hostel students—social and cultural—are sufficient for a healthy academic life therein? If not, what according to you should be done to improve them?

**(H) Students and Politics**

29. Do you agree with the view that students should not take part in active politics? If not why?

30. If you are of the view that the students in their individual capacity can take part in active politics, do you consider it desirable that there should be a code of conduct for such students to restrict projection of their political personality into the academic atmosphere of the educational institutions? If so, how this can be ensured?
31. If your answer to Q. 29 is in the affirmative, what are your reasons for the same?
32. Do you consider that students should participate in any political agitation?
33. In the context would you like to set different standards for school and college students?

#### (I) Code of Conduct

34. What according to you in the light of your answers to the preceding questions should be the code of conduct for—
  - (a) the press;
  - (b) political parties;
  - (c) teachers, guardians, parents and other individuals.

नमो भगवते वासुदेवाय

# CONSTITUTION OF THE MAHARAJA SAYAJIRAO UNIVERSITY UNION, UNIVERSITY OF BARODA

(Under Sections 4(19) (c) and 24(1) (xi) of the Maharaja Sayajirao  
University of Baroda, Act XVII of 1949)

## 1. Name of the Union

- 0.58      The Union shall be called "The Maharaja Sayajirao University Union".

## 2. Aims and objects

- 0.59      The aims and objects of the Union shall be—
- (i) to hold debates so as to enable students to learn the art of debating,
  - (ii) to arrange public lectures so as to stimulate interest in cultural and public affairs,
  - (iii) to promote social intercourse amongst the students of the Union by developing the Union as a club for the students,
  - (iv) to further the academic and social interest of students generally by maintaining a library, a reading-room, a writing-room a games-room and a refreshment room,
  - (v) to maintain a co-operative store and a co-operative bank,
  - (vi) to develop a sense of social service.

## 3. Members of the Union

- 0.60      The members of the Union shall be ordinary members, associate members, honorary members and life-members. All students enrolled in the various Faculties of the Maharaja Sayajirao University shall be ordinary members of the Union.
- 0.61      The members of the teaching staff of the University shall be associate members. They shall be entitled to all the privileges of the ordinary members but shall not be entitled to stand for or vote at election.
- 0.62      Honorary members shall be persons of public eminence who may from time to time be elected by the members at a special private business meeting on the recommendation of the Executive Committee.
- 0.63      Life-members shall be those who have ceased to be students of the University, but wish to continue their connection with the University through the Union. A list shall be kept in the office of the University of all life-members of the Union with their permanent addresses and the list shall be revised before the beginning of every academic year by omitting the names of those who are known to have died and adding the names of those who have become newly qualified.

0·64 Ordinary members shall pay Rs. 5 per year, which shall be collected along with the University fees. Associate members shall pay Rs. 5 per year. The Treasurer shall be responsible for collecting the subscriptions from the Associate members. Honorary members shall be charged no fees. Life-members shall pay a composition fee of Rs. 10.

0·65 At all elections, only ordinary members shall be entitled to vote.

#### 4. Officers of the Union

0·66 The following shall be the Officers of the Union:—

1. The Patron
2. The President
3. The Vice-President
4. The Treasurer
5. The Secretary

0·67 The Vice-Chancellor of the University shall be the Patron of the Union. The President shall be the member of the teaching staff nominated by the Syndicate for a year, provided that a teacher who has worked as a President for three consecutive years shall not be eligible for nomination. The Vice-President and the Secretary shall be students, who have completed two years of studies (including the Preparatory course and Pre-medical), in degree and post-graduate classes, *elected directly by the ordinary members of the Union*. The Treasurer shall be the member of the teaching staff nominated by the Patron for a year, provided that a teacher who has worked as a Treasurer for three consecutive years shall not be eligible for such nomination. The Joint Secretary and the Sectional Secretary shall be elected by the Executive Committee of the Union from amongst its members and their number shall be fixed according to the needs of the Union.

0·68 One who has once held the office of the Vice-President or of a Secretary shall not be eligible for re-election to the same office.

#### 5. Executive Committee

0·69 The Executive Committee shall consist of the office-bearers of the Union and—

- (i) At least one representative of each of the Faculties and Colleges elected by the ordinary members who are students of that Faculty or College.
- (ii) Faculties and Colleges having more than 500 students on their rolls shall be entitled to elect one more student for every additional unit of 250 to 500.
- (iii) The Syndicate shall nominate not more than four members of whom two may be students.

0·70 Any office-bearer of the Union may, at any time, by notice in writing to the Secretary resign his office. If the Secretary wishes to resign, he shall send his resignation to the President.



- 0·71     At the end of the term, before they leave the University for the vacation, all the elected officers shall hand over charge of their offices to the President. All casual vacancies shall be filled up by the Executive Committee subject to the approval of the Patron.
  
- 0·72     In the case of a casual vacancy in the office of the Vice-President, the Secretary, or elective membership of the Executive Committee, the vacancy will be filled up by the Patron on the recommendation of the Executive Committee.

#### 6. The Duties of the Officers

- 0·73     The Patron shall exercise general supervisory control over the affairs of the Union, and shall, in addition to the specific powers mentioned in these Ordinances, have power to call for reports from any officer of the Union, shall decide points of dispute referred to him, and may require any immediate action to be taken on any matter concerning the Union. The proceedings of the Executive Committee and those of the general body of the Union shall be submitted to him within two days of every meeting, and no irrevocable action shall be taken on any resolution of the Executive Committee or of the general body before the patron has seen these proceedings and has had the opportunity of requiring a reconsideration of the resolution if he deems it necessary. The consent of the patron or of the person nominated by him shall be obtained before any person, not on the teaching staff of the University, is invited to speak or give an entertainment before the Union. In all cases including the interpretation of the Ordinances, the decision of the Patron shall be final.
  
- 0·74     The President shall preside at all meetings of the Executive Committee, provided that, at meetings at which only lectures are delivered he might request some member of the teaching staff or a member of the Executive Committee to preside. He shall maintain order at the meetings, and conduct business according to the rules laid down in that behalf, or where there are no rules regarding any particular point, according to the generally accepted procedure of general meetings and committee meetings. He shall decide on points of order raised at the meeting and his decision will be final so far as the particular meeting is concerned.
  
- 0·75     In the absence of the President, the Vice-President shall exercise the powers of the President for the purposes of that meeting. If neither the President nor the Vice-President is present at any meeting of the Union or of the Executive Committee, a Chairman shall be elected from among the members of the Executive Committee and he shall have all the powers of the President for the purpose of that meeting.
  
- 0·76     If the President desires to speak on a motion at a general meeting of the Union, he shall vacate the chair temporarily, which will be taken in accordance with the preceding Ordinance.

- 0.77 The Vice-President shall carry out the duties of the President when the President is absent or whatever duties are assigned to him by the President. In case of debates the President, if he so desires, may ask the Vice-President to take the chair and conduct the proceedings even if he is present.
- 0.78 The Treasurer shall be in charge of the funds of the Union, and shall see that they are spent properly according to the budget and in accordance with the resolutions passed by the general body or the Executive Committee. He shall countersign all indents for articles costing Rs. 10 or more. He shall make the necessary disbursements directly, after receiving a certificate from the Secretary to the effect that the articles mentioned in the bill have duly received. He shall, in particular—
- (a) draw and sign cheques drawn on the Union's accounts,
  - (b) prepare the annual balance-sheet and hand over the same to the Secretary, and
  - (c) receive subscription of associate members.
- 0.79 The duties of the Secretary shall be—
- (a) to call all meetings of the Union and of the Executive Committee in consultation with or at the instruction of the President,
  - (b) to keep the minutes of such meetings and to present them for confirmation at the next meeting,
  - (c) to sign on behalf of the Union, all documents except drafts or cheques issued by the Treasurer,
  - (d) to conduct the correspondence of the Union and to give information concerning meetings to the members of the Union,
  - (e) to keep all the records of the Union, other than those kept by the Treasurer,
  - (f) to prepare the annual report,
  - (g) to supervise the work of the office,
  - (h) to arrange for the purchase of requisites for the Union,
  - (i) to incur expenditure on contingencies up to a limit of Rs. 10 in the case of each item sanctioned in the budget and to perform any duties which may be specially entrusted to him by the Executive Committee,
  - (j) and generally, except in cases otherwise provided, to conduct the affairs of the Union, and
  - (k) to keep the President informed of all matters.
- 0.80 The duties of the Joint Secretary shall be to work under the instructions of the Secretary and to perform all the duties of the Secretary when the Secretary is absent.

## **7. The Powers of the Executive Committee**

- 0·81 The Executive Committee shall have the power to appoint any committee or committees.
- 0·82 The Executive Committee shall manage the funds and affairs of the Union and shall have the power to do such acts as may be necessary to give effect to the objects of the Union.
- 0·83 The Executive Committee shall have the power to make bye-laws to regulate the use of the Union's premises property.
- 0·84 The Executive Committee can dismiss any person appointed by itself, by the vote of a majority of its members.
- 0·85 If the Executive Committee passed by a majority of two-thirds of its members, a vote of no-confidence in any officer elected by general body, the matter shall be referred to the general body for decision.
- 0·86 A resolution on matters referred to in Ordinances 84 and 85 shall be passed only after notice of such a resolution has been given to all the members at least five clear days before the date of the meeting.

## **8. Meetings of the Executive Committee**

- 0·87 The Executive Committee shall meet in the Union rooms at least once every month during term and notice (including agenda) of such meetings shall be sent to each member at least three days before the date of the meeting, and such notice shall also be posted on the notice-board of the Union at the same time.
- 0·88 An emergent meeting of the Executive Committee may be called at 6 hour's notice. A meeting of the Executive Committee shall be convened, if five members of the Committee request in writing, specifying the business for which they want the meeting to be convened. At such meetings no other business shall be transacted.
- 0·89 No question, except of a purely formal nature, shall ordinarily be considered at such meetings, unless it is entered on the agenda. The President may, however, allow, in cases of urgency, a matter to be raised; but no resolution on such matter can be passed unless it is supported by three-fourth of the members of the Committee present.
- 0·90 Eight members of the Executive Committee shall form a quorum.
- 0·91 At a meeting of the Executive Committee, all questions shall be decided by a majority of the votes of the members present and voting, except in cases specially mentioned in these Ordinances. The Chairman of the meeting shall, in the case of an equality of votes, have a second or casting vote.
- 0·92 Any member of the Executive Committee, who does not attend any two consecutive meetings during one term shall cease to be a member unless the Executive Committee decides otherwise.

## 9. Auditor

- 0-93 Two or more auditors shall be nominated annually by the Patron to audit the annual balance-sheet.

## 10. Registers

- 0-94 The following records shall be kept:—

- (a) a register of members,
- (b) a minute-book of the meetings of the Executive Committee,
- (c) a stock-book of the Union's movable property,
- (d) a cash book,
- (e) a register of purchase,
- (f) a ledger of receipts and expenditure,
- (g) an accession book for the library,
- (h) a catalogue for the library,
- (i) a minute-book of the meetings of the general body of the Union,
- (j) any other book or register prescribed by the Executive Committee or the Patron.

## 11. Meeting of the Union

- 0-95 Meetings of the general body of the Union shall be of three kinds, viz.—

- (i) Private business meetings,
- (ii) meetings for debates, and
- (iii) meetings for lectures.

### (i) Private Business Meetings

- 0-96 Private business meetings will deal with the affairs of the Union itself and notice of such meetings, with the agenda of such meetings shall be posted on the Union notice-board at least a week before the date of the meeting. The notice should also contain a statement of the resolutions to be proposed at such meetings, of which due notice has been given. At private business meetings, no non-member shall be allowed to be present. At private business meetings, questions relating to the affairs of the Union may be asked, when previous notice of such questions has been given. Supplementary questions may be put without notice. There shall be at least one private business meeting for each term. At private business meetings, the business shall be taken in the following order:—

- (a) The proceedings of the preceding private business meeting shall be read and confirmed, and signed by the Chairman,
- (b) Notices of motions shall be read,
- (c) Questions to officers ; and supplementary questions,
- (d) Discussion on resolutions.

0-96-A A meeting of the General Body shall be convened if 200 ordinary members of the Union requisition such a meeting in writing specifying the business, which shall relate to the affairs of the Union for which they want the meeting to be convened. Such meeting shall be convened within fifteen days after the requisition is received by the General Secretary. At such meeting no other business shall be transacted.

0-97 At private business meetings, questions may be asked to the officers of the Union relating to their official duties. Such questions shall be placed on the notice-board before 11 A. M. on the day of the meeting and not less than 24 hours' notice must be given to the officer concerned. Questions shall not ordinarily occupy more than 15 minutes. The Chairman shall have power to rule out any questions as frivolous or out of order without being required to assign reasons, but the ruling shall be submitted to the Patron for revision should a two-third's majority of members present so determine.

(ii) Meetings for debate

0-98 The business of a meeting for debate shall be conducted in the following order :—

(a) Proceedings of the preceding meeting for debate shall be read and signed by the Chairman,

(b) Questions relating to the administration of the Union,

(c) Debate including voting on the resolution.

0-99 (a) The subject for debate shall be chosen by the Executive Committee and shall be in the form of a resolution,

(b) The subject of debate for any meeting must be placed on the Union's notice-board at least five days before the day of the meeting ; extempore debates may also be arranged,

(c) The Executive Committee may, in consultation with the Patron, invite non-members to speak at a debate of the Union,

(d) Ordinarily the proposer and the opponent shall speak for not more than 10 minutes and the subsequent speakers for not more than 5 minutes.

0-100 In a debate no member, except the mover, shall speak more than once, but a member who has already spoken may, with the permission of the Chair, speak again on a motion for adjournment or on a point of order, or for the purpose of explanation.

0-101 The President's decision on all questions of order shall be final. If he takes part in debate he shall leave the chair to speak.

(iii) Meetings for Lectures

0-102 At meetings for lectures, the order of business shall be—

(a) Introduction of the lecture by the Chairman,

(b) Lecture,

- (c) Questions on the speech of the lecturer, if permitted,
- (d) Chairman's remarks,
- (e) A vote of thanks.

0·103 At meetings for debates and for lectures strangers may be allowed.

(iv) Annual Meetings

0·104 The annual meeting of the Union shall be a private business meeting and shall take place before the end of February.

0·105 The business at such meeting shall be—

- (a) to consider the annual balance sheet,
- (b) to enact bye-laws (not inconsistent with the rules of the Union) for regulating the affairs of the Union,
- (c) to transact any other business relating to the affairs of the Union that may be brought forward.

0·106 A private business meeting of the general body to consider and pass the budget of the year, as prepared by the Executive Committee, shall be held before the end of July. Any member may, by giving due notice, propose any resolution on the budget. The resolutions passed by the meeting shall be placed before the Executive Committee, who shall then reconsider the budget. In case of difference of opinion between the general body and the Executive Committee, reference shall be made to the Patron, whose decision shall be final.

0·107 Before the budget is finally passed, the Treasurer shall carry on the current expenditure of the Union until the Executive Committee is appointed and begin to function.

0·108 The financial year for the Union shall be the Academic year of the University.

0·109 The quorum for a private business meeting of the Union shall be fifty, provided that at any meeting which is to consider changes in the constitution or a resolution of no confidence in any officer or member of the Executive Committee, the quorum shall be 200.

**12. Rules For Meetings**

0·110 At all meetings of the Union :—

- (a) no questions bearing on religious dogmas shall be discussed;
- (b) no personal or offensive remarks shall be made;
- (c) the Chair may call upon any member to explain any expression used by him. If the explanation is not satisfactory, the Chair may call upon the member in question to withdraw or apologise;
- (d) the Chair may call upon any member to withdraw or apologise for disorderly behaviour or offensive conduct. In case a member does not apologise for his unruly conduct when called upon to do so, the Chairman may order the member concerned to leave the meeting.

- 0·111 Any member may submit a point of order to the Chair, but there shall be no discussion on any such point unless the Chairman thinks fit to ask members present for their opinion thereon.
- 0·112 Every motion or amendment shall be presented or taken down in writing.
- 0·113 Every motion or amendment proposed shall be seconded; otherwise it shall drop.
- 0·114 In proposing any motion and in discussing any question, each member shall address the Chair. All questions from one member to another relating to the business of the meeting shall be put through the Chair.
- 0·115 Any member who desires to bring forward any motion at any meeting shall give notice of his intention to do so to the Secretary at least four days before the meeting. Such notice shall be put upon the notice-board of the Union. Any member desiring to move an amendment to such a motion shall send a notice of it to the Secretary at least 24 hours before the date of the meeting. Notice of such amendment shall be put upon the notice-board of the Union. No amendment of which notice has not been given shall be moved unless it involves, in the opinion of the Chair a mere verbal change.
- 0·116 No motion of which due notice has not been given may be moved in a meeting except a motion to—
- (a) adjourn the meeting;
  - (b) dissolve the meeting;
  - (c) change the order of business;
  - (d) refer any matter under consideration to any Authority of the University or to a committee;
  - (e) pass to the next item on the business;
  - (f) propose that the question be now put.
- No discussion shall be allowed in regard to any such motion.
- 0·117 When a motion that is in order has been seconded, it shall be read from the Chair before it is discussed.
- 0·118 If no member rises to speak on the motion after it has been read from the Chair, the Chairman shall proceed to put the motion to vote.
- 0·119 Not more than one motion and one amendment thereto shall be placed before the meeting at the same time.
- 0 120 No amendment shall be proposed which would in effect constitute a direct negative to the motion; and every amendment must be relevant to the motion to which it is moved.
- 0·121 The order in which amendments are to be brought forward shall be determined by the Chairman.
- 0·122 An amendment must be seconded in the same way as a motion; otherwise it shall drop.

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- 0-123 The mover of an amendment shall have the right to reply.
- 0-124 When the Chairman has ascertained that no other member entitled to address the meeting desires to speak, the mover of the original resolution may reply upon the whole debate.
- 0-125 No member shall speak after the mover has entered on his reply.
- 0-126 When the debate is concluded, the Chairman shall forthwith put the question to vote.
- 0-127 Any member may, with the permission of the Chair, rise, even when another is speaking, to explain any expression used by himself which may have been misunderstood by the speaker; but he shall confine himself strictly to such explanation.
- 0-128 Any member may call the Chair's attention to a point of order even while another member is addressing the meeting, but no speech shall be made on such point of order.
- 0-129 A motion or amendment which is under discussion may be withdrawn by the permission of the house by any member who has moved it; provided that if no opposition is made to such withdrawal, such permission shall be presumed.
- 0-130 A motion or amendment standing in the name of a member who is absent from a meeting, may be brought forward by any other member.
- 0-131 On putting any question to vote, the Chairman shall call for an indication of the opinion of the meeting by a show of hands and shall declare the result thereof according to his computation.
- 0-132 Any twenty members may demand a Division. The Chairman shall thereupon give such directions for effecting the Division as he shall consider expedient and shall nominate Tellers to count the votes.

### **13. Terms**

- 0-133 For the purpose of these Ordinances, the "term" shall mean the academic term of the University.

### **14. Changes in the Constitution and Ordinances**

- 0-134 Changes in the Constitution of the Union and in these Ordinances can only be made by the Syndicate of the University either (1) on the motion of the general body of the Union and the Executive Committee, or (2) on their own initiative, after obtaining the opinion of the general body of the Union and the Executive Committee on the proposed changes.
- 0-135 No recommendations can be made to the Syndicate except at a private business meeting specially called for the purpose, and of which at least a fortnight's notice has been given. No proposal under this Ordinance shall be placed before the meeting, unless it has been previously submitted to the Executive Committee of the Union and considered by it. At such a special private business meeting the quorum shall be 200. No proposal shall be considered to have been passed unless three-fourths of the members present at the meeting vote in its favour.



- 0-136 The Union will have a regular administrative office, which will be under the control of the President. There shall be at least one full-time clerk, who shall be a member of the administrative staff of the University Office, and shall be seconded for service in the Union. His salary will be paid from the fund of the Union. The clerk shall have custody of the records of the Union. At the time of his appointment under the Union, he shall execute a fidelity bond for such sum as the Executive Committee, with the assent of the Patron, may decide. The President, with the consent of the Executive Committee, may also engage such other staff as may be required. The Executive Committee shall appoint and suspend, dismiss otherwise punish the menial staff.
- 0-137 If any damage is caused to the Union building or equipment through the negligence of a member of the Union, the cost of such damage shall be recovered from him.
- 0-138 The Union building will be at the disposal of the authorities of the Union for the purposes of the Union as defined in Ordinance 59. It shall not be used for any other purpose, for example political and other demonstrations, without the previous approval of the Patron who shall be the sole judge as to whether any particular use contemplated is permissible or not.
- 0-139 The Syndicate is entitled to prohibit the Union from using the building, if it finds that it is not being used for the purposes for which it is intended.
- 0-140 In all matters not covered by the foregoing Ordinances, the decision of the Syndicate of the University shall be final.

### 15. ELECTIONS

- 0-141 The general election shall be conducted by a Returning Officer appointed by the Patron.
- 0-141-A Election campaign, if any, shall be conducted peacefully and in a dignified manner. There shall be no canvassing by means of cards, pamphlets, leaflets, posters, loud speakers, disfiguring of walls and such other measures and any candidate employing or causing to employ such means shall be liable to be disqualified. The Returning Officer shall report such cases to the Patron whose decision in this matter shall be final.
- 0-142 Nomination papers shall be handed over to the Returning Officer and a receipt obtained for such delivery.
- 0-143 Each nomination paper shall be for one office or place only
- 0-144 Each nomination paper shall contain the name of the proposed candidates (with his class in the University), the office for which he is nominated, his consent to such nomination and the names (with their classes) of the proposer and the seconder of such nomination.

- 0·145 The Returning Officer shall verify all the facts mentioned in the nomination paper and shall record on it, date of receipt.
- 0·146 A scrutiny will be held of all nomination papers by the Returning Officer in the presence of the candidates and their proposers and seconders.
- 0·147 If the Returning Officer considers a nomination paper irregular or invalid he shall bring the matter to the notice of the Patron whose decision as to its validity shall be final.
- 0·148 No member of the Union shall propose or second more names than there are vacancies for the particular post or posts. If any member has proposed or seconded more candidates than there are vacancies, all the nomination papers to which he has appended his signature will be declared invalid.
- 0·149 The Returning Officer shall post on the notice-board of the Union, the list of all candidates proposed for various offices together with the names of the proposer and the seconder in the following form:—

Office	Name of the candidate (with class)	Name of the proposer (with class)	Name of the seconder (with class)	Signature of the Returning Officer signifying that the nomination is valid

- 0·150 The polling will be held by means of printed ballot papers by the first week of July. Due arrangements for polling shall be made by the Returning Officer, so that the secrecy of the ballot shall be kept. If any day so fixed is declared a holiday, the next working day will be deemed to have been fixed instead.
- 0·151 There shall be different ballot papers for the elections to the offices of (1) the Vice-President, (2) the Secretary, and (3) the representatives of the Faculties and the Colleges.
- 0·152 Ballot papers will be serially numbered both on the foil and the counterfoil and the voter shall sign his name on the counterfoil only. The vote will be invalid if the voting paper is signed or bears any mark of identification.

- 0·153 The ballot paper at a general election shall be printed in the following form:—

The Maharaja Sayajirao University Union

19 — 19

Election of.....

(Names of candidates in alphabetical order)	Put × below
1.	
2.	
3.	
4.	
and so on.	

NOTE:—(a) The voting paper should not be signed.

(b) A cross X shall be placed against the name of the person for whom the voter wants to vote.

(c) The voting paper will be invalid if more votes are recorded than there are vacancies or if more than one cross is recorded against any candidate or if the voting paper signed or bears any other mark of identification.

- 0·154 The Returning Officer may arrange several polling booths, if necessary, to enable all voters to vote conveniently and may distribute the names on the electoral roll among these booths, indicating clearly outside the booths the groups of voters who are to vote there.
- 0·155 Each polling booth will be in charge of a Polling Officer who will be provided with a list of the voters who are required to vote there. He shall mark on this list the serial number of the ballot paper handed over to each voter and shall require the voter to sign his name on the counterfoil of the ballot paper.
- 0·156 The Returning Officer shall exercise general supervision over all the booths and he may, if necessary, nominate a Polling Officer and a certain number of persons to help him in his work as the Returning Officer.
- 0·157 The Returning Officer shall fix the hours during which voting shall take place and no voter who has not received a ballot paper before the close of the time appointed, shall be allowed to vote.

- 0-158 Every voter shall go to the place for recording his vote immediately on being given the ballot paper and he shall deposit the paper in the box after recording his vote. The paper must be deposited even if the voter does not desire to record his vote for any candidate. No voting paper once given shall be taken away from the polling booth. There shall be no canvassing at the polling booth.
- 0-159 After the close of the poll, the Returning Officer shall seal each box with his seal. Any of the candidates may also affix their own seals to the box in addition, if they like.
- 0-160 The Returning Officer shall take these boxes in to his custody and shall be responsible for their safety.
- 0-161 The Returning Officer shall announce the time on the day after the poll and the place at which the counting of the votes shall take place. The counting shall be finished within two days of the poll.
- 0-162 The Returning Officer shall count the votes in the presence of any of the candidates who may wish to be present; and he may appoint a certain number of persons to help him in the counting.
- 0-163 While counting votes, the Returning Officer shall decide the validity of each vote and in case of doubt, his decision shall be final.
- 0-164 The result of the count will be immediately communicated to the Patron who will announce the result, after allowing twenty-four hours for any complaint—
- (a) Any complaint against the proper counting of votes must be made to the Patron within twenty-four hours of the conclusion of the count.
  - (b) If any complaint is made about the count, the Patron will investigate the matter either personally or through some person appointed by him. The Patron's decision in the matter will be final.
- 0-165 The boxes of voting papers will again be sealed after the conclusion of the count and will be in charge of the Returning Officer till the Patron has announced the result of the election, after which the voting papers will be destroyed according to the directions of the Patron.



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